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Religious Communications.

For the Christian Observer.

PRESBYTER'S APPEAL TO HIS BRETHREN THE CLERGY, ON SOME OF THE PREVAILING INIQUITIES OF THE TIMES, WITH SUGGESTIONS FOR THEIR SUPPRESSION.

(Concluded from p. 465.)

A FOURTH means which I would venture to suggest to my brethren the Clergy, for the suppression of the open and notorious vices which abound among us, is by direct *petitions to Parliament, to urge the Legislature, in its wisdom and piety, to supply whatever deficiencies may exist in our present laws.*—Indeed, the feelings and practices of men have long run in such a channel, that some even of the laws which do exist, defective as they are, have come to be considered almost obsolete: so that both those individuals who would appeal to them, and the magistrates who would enforce their execution, are exposed to a very unfair and discouraging measure of difficulty and odium. This circumstance strongly proves the need of a revision of our statutes. Nor should the consideration that the privilege of petitioning Parliament has of late years been in some instances disgracefully abused, cause loyal men to stand aloof from joining in such a measure as I have proposed, for effecting that desirable purpose, since the evil arising from the abuse of a privilege is no legitimate argument against its proper use. The clergy, in such a pious and patriotic procedure, could not be justly considered as stepping out of their

CHRIST. OBSERV. No. 249.

proper course, or interfering with the business of others in matters unconnected with their own profession and duty. On the contrary, their conduct would certainly approve itself to the feelings of all their well-disposed countrymen, and command general respect. Secular affairs are not usually resigned solely to the chance of the spontaneous consideration of the legislative or executive power. No one blames the agriculturist, the manufacturer, or the merchant, for legally and temperately availing himself of the privilege of petitioning parliament on subjects relative to his particular interests. No one censures corporate bodies for seeking parliamentary aid towards the attainment of any useful objects for which they were chartered. What blame, then, can attach to the clergy, whose circumstances render them peculiarly conversant with any imperfections in the existing laws connected with religion and morals, if they calmly impart to the lawgivers of the land a knowledge of those defects, with which their facilities for obtaining information have made them acquainted. It is clear, that, but for the information thus obtained from practical men, the legislature must oftentimes remain long in ignorance of the efficacy or deficiency of their own enactments. To leave the business of thinking, as well as of legislating, in every instance, to parliament and government alone, withholding from them all statements of the effects produced by the actual trial of laws, would be to impose on them a task which it would be

4 B

unreasonable to expect them to fulfil with the same advantageous and beneficial effect as if deriving information from persons conversant with the operation of particular statutes more immediately affecting themselves. Indeed, every session of parliament manifests the imperfection of the prospective enactments even of the wisest senators, by the alterations and amendments continually proposed and carried, on observing the actual bearing and operation of the acts of former sessions. Thus our laws relative to prison discipline, to insolvent debtors, to the importation of grain, and the regulation of commerce, are continually undergoing revision, and that in very many instances at the instigation of petitions. But in the laws expressly relating to the maintenance of morality and religion, and for the suppression of vice, less alteration has been made, where much was required, than perhaps in those of almost any other kind whatever; and it is a remarkable circumstance, and it is certainly not very honourable to our own age, that those who would resort to legal measures for the suppression of Sabbath-breaking, and some other immoralities highly baneful to the best interests of individuals and of the state, must, for the most part, avail themselves of acts passed in one of the most flagitious and immoral periods of our history, and that as far back as the reign of the Second Charles. Yet all the acts now in existence, some of which have become obsolete, in point of operation at least, are insufficient for the object in view. That it behooves the legislature, therefore, to make a revision, there can be no doubt. But parliament and government have much upon their hands; and objects of present interest are constantly presenting themselves, and demanding immediate attention. We should therefore not be hasty in casting our censure upon any particular administration or parlia-

ment, for the imperfections still adhering to our laws; nor should we consider it wonderful if a matter long quiescent should still continue so, unless the attention of our legislators is especially invited to an examination of its bearings. Now, who should call the attention of parliament to the particular points in question rather than the clergy of the land, who are, as it were, the *censores morum*, the appointed guardians of the morals of the nation, and who must be particularly sensible of the present deficiency of some of our existing laws; and, if they be allowed to take any interest in the objects of their profession, must deeply deplore the grievous effects which result from their defects? Such an appeal would be honourable to themselves, and would demand, and we may hope would obtain, the attention and respect of those to whom it would be made. It surely could not but be felt and allowed, by the people, the government, and the legislature, that the petitioners were acting consistently with their high and holy calling; that they were treading in the footsteps of the most faithful of the prophets of old; and that they had at heart the good of their country and the honour of their God. It would be a case in which other than honourable motives could scarcely be attributed to them, except by those whose approbation no well-disposed person would wish to enjoy. It must be manifest that they could be actuated by no mercenary views of self-interest, or personal benefit; much less with a view to perplex government, to clog the wheels of administration, or to cast odium upon the legislature. We may hope that a strong conviction would fasten itself upon men's minds, that such an appeal *ought* to be listened to and obeyed; and this conviction, kept alive by a repetition of those representations and appeals which first produced it, would acquire strength and fervour, till the legis-

lature would find themselves assisted in adopting measures which attendant difficulties alone have, I would trust, hitherto retarded. And though some abridgment might be experienced in certain items of the revenue, whenever the required amendments should be made—as, for instance, in the income flowing from the sale of lottery tickets, spirits, and some other articles of excise, the stamps of Sunday newspapers, and the taxes on public stages on that day—yet the elevation of the moral tone of the nation would surely induce the public to acquiesce in the transfer (if such transfer were proved needful) of these imposts to other articles.

5. *Preaching* is the last means I would mention for attaining the objects under consideration.—And, after all, this is our main stay, and on this must be our chief dependence. Preaching is the minister's peculiar province. When speaking *ex cathedra*, he speaks with an authority he can exert no where else, and is warranted in looking for an effect he can hope to produce in no other way. The ministration of the word and sacraments is his great business; to this he is especially commissioned. "Go ye into all the world, and preach the Gospel to every creature, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost," was the last injunction of the great Head of the Church to his Apostles, and to every individual of the succession of Christian ministers to the end of time. Preaching is the chief means which God has been pleased to institute, for turning the sinner from the error of his ways, drawing him to himself, and establishing the kingdom of his Son upon earth. "It hath pleased God, by the foolishness of preaching to save them that believe." And though this honourable office is committed to fallible and sinful men, yet the power which accompanies their ministrations is of God; according to the gracious declara-

tion of our blessed Lord: "Lo, I am with you always, even to the end of the world." Thus St. Paul speaks to the Thessalonian Christians: "Our Gospel came not unto you in word only, but also in power, and in the Holy Ghost, and in much assurance."

If, then, we would roll back the torrent of iniquity which inundates our land; if we would raise the tone of moral feeling of our countrymen; if we would lay siege to the strong-holds of Satan; if we would aim to promote the temporal happiness and eternal salvation of our perishing fellow creatures, and to advance the honour of God; we must avail ourselves strenuously of this great constituted instrument of usefulness. Hither should be directed all the energies of our souls. In preparing for the pulpit, we should employ every talent which God has given us. And while we look, in the execution of our arduous office, for help from above, we should diligently employ every auxiliary within our reach: we should put into requisition all the thought and study, all the eloquence and learning, all the powers of persuasion and argument, all the fullness of meditation, and fervour of zeal, and efficacy of prayer, which we can command; and in every sermon should "preach as though we ne'er should preach again."

But what shall a minister, deeply grieved at the iniquities of the land, and warmly zealous for their suppression, make the subject of his discourses? He wishes to promote morality: shall he then, thinking to bring all his strength to bear on this point, confine himself to moral discourses? By no means; for by such a procedure he would lamentably fail of his end. This, indeed, might be to lop off some of the branches; but they would shoot forth again with undiminished luxuriance. It might serve for the excision of some deformities, but it would fail of "laying the axe to the root of the tree." To preach

Christ, must be his constant aim. The doctrine of salvation by faith in a crucified Saviour, that "*ipse articulus stantis vel cadentis ecclesiæ*," must be his great theme. This indeed will necessarily involve the other doctrines of Scripture; and from the reception of this doctrine into the heart, a moral course of life will result as naturally as a plant arises from its proper seed. An immoral believer is an anomaly in terms. There is, indeed, a spurious faith, a faith of the head, the faith of hypocrites, and the faith of devils; but a saving faith, the faith of the Christian, is, by its very nature, inseparable from a life of holiness. It is faith, which, justifying the believer through the redemption that is in Christ, will fulfil the design of Him "who gave himself for us that he might redeem us from all iniquity, and purify unto himself a peculiar people zealous of good works." "Whosoever is born of God doth not commit sin; for his seed remaineth in him: and he cannot sin, because he is born of God." (1 John iii. 9.) Thus strongly does the Apostle express himself, in language which speaks the utter impossibility of the true believer's continuance in allowed sin.

How puny, then, are all considerations of a merely moral nature, in comparison with the powerful and operative principle of faith, by which the Christian becomes united with his Saviour—a branch of Him as the true vine; a "living stone" of that spiritual building of which He is "the chief corner-stone;" a member of the body of which He is the head—and by virtue of which union he derives from him life and nourishment and strength. The pious Archbishop Leighton, in his Commentary on 1 Peter i. 22, remarks, "They" that believe, and to whom Christ is precious, "may find the influence of faith upon the affections, *purifying* them, as our Apostle says of it, Acts xv. 9. Faith knits the heart to a holy

Head, a pure Lord, the spring of purity; and therefore cannot choose but make it pure: it is a beam from Heaven, that raises the mind to a heavenly temper." "Although there are remains of sin in a believing soul, yet it is a hated, wearisome guest there. It is not as its delight, but as its greatest grief and malady: of that it is still lamenting and complaining; and had rather be rid of it than gain a world. Thus it is purified from affecting sin."

Do we then deny the necessity of urging men to moral duties? Far otherwise. All we contend for is, that they must arise out of scriptural doctrine, and be enforced in connexion with it, and not be depended upon irrespectively of Christian motives. Such was the manner of the Apostles: they preached Christ as the foundation, and upon that foundation they erected the superstructure of a holy life. If, then, a minister confine himself solely to doctrine; if the atonement of our Lord, and faith in him, compose the whole of his discourse; if he follow not up his exposition of doctrine, by insisting on the obligation to moral duty, and by exhorting his hearers to the practice of it; he will have failed "rightly to divide the word, and to give to each his portion in due season," and his preaching will either prove comparatively ineffectual, or will produce a race of antinomian converts, whose immoral lives disgrace their profession, and grieve the humble and devout believer.

Our great spiritual enemy has always, indeed, availed himself of times of a more enlarged diffusion of religious knowledge, for prompting wicked men to assume the garb of religion, to mix themselves with sincere Christians, and to speak their language and profess their doctrines; whilst their notoriously wicked lives bring scandal upon the church, expose the truths of the Gospel to the contempt of the profane, and lead ungodly men into

greater lengths of iniquity, and harden them in their sins. Nothing, perhaps, tends more to the abounding of wickedness, than the inconsistent lives of professedly religious persons; and in times when the church is enjoying the sunshine of prosperity, as at the present moment, it is likely that such persons will be numerous. But, whenever open acts of profligacy abound, whatever be the causes to which such prevalence is to be attributed, the zealous minister of Christ will feel it indispensably incumbent on him to guard against the abuse of the doctrines of grace, to enforce the necessity of a holy life, and to show its inseparable connexion with a saving faith. As the brave defender of his country hastens to the post of danger, and regards the advance and attack of the enemy as a motive to fresh exertion, "for courage mounteth with the occasion;" so the Christian soldier rises to greater zeal to resist the inroads of immorality and vice, as he sees them spreading amongst the people. This zeal, then, should be excited by the prevalence of those vices which now pollute our land. And though the decorum and propriety which cannot be too strictly observed in addresses from the pulpit, forbid the introduction of any thing of a nature extraneous to divinity, and demand the greatest caution in the admission of any thing of a political or secular kind—such as the discussion of passing events—yet topics like those which have been alluded to in this paper are so intimately connected with the interests of godliness, that no place can be more proper to promote the great object for which I am contending, than the pulpit, nor any means so likely to effect it as that of preaching.

Here, then, the writer lays down his pen. That his representations of the wickedness of the land, of which *some* only of the leading characters have been here traced, are just, all men, he thinks,

must acknowledge, and all seriously disposed men will lament. How far his suggestions for reformation will obtain regard, or how far they may deserve it, others must determine. He has only, in the most respectful, but in the most importunate terms, to entreat his brethren the clergy to give these matters their deepest and most serious attention, and, by the adoption of the above-mentioned means, or others better calculated for the end, to strive to check the licentiousness of the age, and to promote the interests of morality and religion. May the blessing of Almighty God, without which no exertions of man can command success, attend the efforts of all who are engaged in this useful labour. May His name be adored, His Son be honoured, and His cause maintained in our land. And may His favour continue to rest upon us: that so our prosperity and happiness as a nation may be prolonged; and, as individuals, our preparation may be forwarded for that infinitely greater happiness which awaiteth the just in the kingdom of God.

PRESBYTER.

FAMILY SERMONS.—No. CLXV.

John v. 44.—*How can ye believe, which receive honour one of another, and seek not the honour that cometh from God only?*

In the Gospel, we have a faithful record of what our Saviour did and taught while on earth. St. John records a variety of particulars respecting him, which are not to be found in the writings of the other Evangelists. Among these, some of the most remarkable are contained in the chapter from which the text is taken. Our Saviour had performed a miraculous cure on a man who had been labouring under disease for thirty-eight years; but this work of beneficence having been performed on the Sabbath, the Jews accused him of violating

the sanctity of that day, and sought to put him to death for this alleged crime; Jesus, who knew their purposes, took an opportunity of vindicating his claim to the authority he assumed as the Son of God, and of carrying their thoughts forward to that coming hour, "when all that are in their graves shall hear his voice, and shall come forth: they that have done good, to the resurrection of life; and they that have done evil, to the resurrection of damnation." He appealed particularly to the testimony which had been borne to him by John the Baptist; and, as a still more conclusive evidence of his Divine mission, to the works which he had performed, and to the writings of the Old Testament, which bore witness unequivocally to his Divine character. "Search the Scriptures," said he, "for in them ye think ye have eternal life, and they are they which testify of me"—but "ye will not come to me that ye might have life." In the verses which follow, he assigns the causes of their unbelief and their rejection of his message, namely, their want of love to God, and their prevailing desire of worldly reputation: for "how," he adds, "can ye believe, which receive honour one of another, and seek not the honour that cometh from God only?"

In remarking on these words, it may be proper to observe, that there is nothing sinful, in itself, in our receiving honour one of another: we are even commanded to render honour to whom honour is due. Neither is it intended to condemn the desire of approbation, especially of the approbation of the wise and good; for we are, on the contrary, expressly required not only to cultivate what is true, and honest, and just, and pure, but "whatsoever things are lovely, whatsoever things are of good report;" and "if there be any virtue, and if there be any praise" these things we are to think upon

and to practise. What our Saviour, then, means to condemn, is our making the honour that cometh from man the main object of our pursuit; our seeking it more intensely than the honour which cometh from God; our valuing more the approbation and applause of our fellow creatures than the approbation and favour of our heavenly Father. Our Lord's meaning is well illustrated by the Evangelist who has furnished the text, in another passage, in which we are told that many of the chief rulers believed on Christ, but "because of the Pharisees they did not confess him, lest they should be put out of the synagogue; for *they loved the praise of men more than the praise of God.*" They were led to violate a plain duty, and thus to incur the displeasure of the Almighty, rather than expose themselves to reproach from their fellow men.

The truth, then, which is inculcated in the text, is this, That to make the praise of men the chief, or even a principal, object of our desires and pursuit, will prove a formidable, if not an insuperable, bar to our right reception of the Gospel.—Let us consider this subject more particularly.

1. Men who value highly the applause of their fellow men, will be indisposed to become the self-denying followers of the meek and lowly Saviour, because they cannot but perceive that such characters are disregarded, or contemned, nay, perhaps vilified and opposed, by a world which still lieth in wickedness, which is still essentially ungodly. They are unwilling to encounter the opprobrium and ridicule, the contempt or hatred, which the real Christian often experiences, even in the present day of superior light and toleration; they are unwilling to be branded, with him, as enthusiasts or hypocrites. Time was, indeed, when Christians received a still harder measure from the world. Look to the history of the first ages of

Christianity: with what malignity and outrage were the faithful followers of Christ then visited! Go back to the days of our Saviour himself, and consider the reception *He* found at the hands of the world. Though he went about unceasingly doing good; though he spake as never man spake; though love breathed in all his words and actions; yet he was despised, rejected, and slain. The world indeed, at least around us, is now Christian in name and in profession, and we may therefore assume that name without the offence which formerly attended it: but let us only manifest in our conduct and conversation the vital spirit of the Gospel; let us only show a portion of that zeal and devotedness in our Saviour's service, that hatred of sin, that earnest desire to save souls, that elevation of principle, that purity of practice, which shone in St. Paul; and we shall soon discover that the character of the world has undergone little real alteration since the days of the Apostle: it is still the same essentially in its spirit. The man, therefore, who loves and values its praise, will be deterred from cordially embracing the Gospel; he will shrink from that determined opposition to the world's principles and practices which a cordial reception of the Gospel would necessarily involve, but which must be followed by the loss of the world's favour.

2. He whose heart is set on the praise of men, is further indisposed to receive the Gospel, because it overturns the very foundation of earthly applause—namely, a high estimate of human merit, of human worth or wisdom. Christianity wholly disallows all ground or claim of merit in man, and ascribes every thing that is really good in him to Divine grace alone. It represents him as a corrupt and polluted being, whose heart is naturally deceitful and desperately wicked. The Scriptures employ the strongest expressions to depict

the depravity of the human soul, and the waywardness of human conduct. We go astray, we are “transgressors from the womb.” Measuring our actions by the standard of God's law, and tracing them to their motives, they are pronounced to be universally sinful and defective. Thus is every mouth, that would lay claim to merit, stopped, and all the world are involved in guilt before God, because “all have sinned and come short of his glory.” It is not meant here to deny that men, in their conduct towards each other, possess very different degrees of merit, and that some are far better entitled to commendation from their fellow men than others; but we are now considering how they stand in the eye of that God who sees the heart, and judges not by the outward appearance; and whose holy Gospel extinguishes all claim to desert on the part of man, pointing to Christ as the only righteousness of fallen creatures, and to a union with him by faith as the only source of goodness—goodness which, separated from him, we only fancy that we possess, but are in reality destitute of. We cannot wonder that these humbling views of religion should be distasteful to all who set their affections on the world's applause, and who suffer themselves to be elated by it.

3. Men of this description are, further, repelled from the cordial reception of the Gospel, by finding that it specifically requires dispositions of heart and enjoins a line of conduct which must expose them to the world's scorn. Who are the characters whom our Lord pronounces blessed? They are the poor in spirit, the penitent, the meek, the pure, the persecuted. What is the conduct expressly inculcated in Scripture? “Be ye clothed with humility:” “Avenge not yourselves:” “Overcome evil with good:” “Let your moderation be known unto all men:” “Be not conformed to this world.”

Here we find pride and violence prohibited, a vindictive spirit condemned, and conformity to the world utterly disallowed. But is not all this diametrically opposed to the spirit and principles which prevail in society at large? And can we hope for the applause of men in general, if we frame our character and conduct by such maxims as these, by maxims which they proscribe? What, indeed, are the qualities on which they value themselves and others? Are they not a proud and lofty spirit, a keen feeling and resentment of insults and injuries, an unqualified devotion to party, an entire assimilation to the manners and habits of the world around them? And to all this the character of the Christian is so directly opposed, that, instead of being an object of applause to the man of the world, he must in his eyes even appear to be poor-spirited, mean, and contemptible.

Enough has been said to show that the principle of acting from a regard to the applause of men tends to close the mind against the reception of the religion of Christ. Let us now consider the case of those who are governed in their conduct by this antichristian principle.

1. Their conduct is contrary to common sense.—For, even supposing their object to be attained, what is it? At best, a vapour that appears for a moment, and then passes away. Look at the course of those, in all ages, who have made the world's applause their idol. It may have gratified and elated them for a time; but it could afford them no real support amid the trials, and pains, and sufferings of life; still less could it cheer and console them in the hour of death. And if we extend our view beyond that hour: where now are those who continued to prefer the honour that cometh from man to that which cometh from God? The consideration is indeed awful! On

the other hand, look to the condition, whether present or future, of those who have acted on a contrary principle, and have sought, as their best portion, the favour and friendship of God. Moses doubtless appeared to the world, in his day, to be acting a foolish and extravagant part, when, from respect to the future recompense and to the approbation of Him who is invisible, he esteemed the reproach of Christ to be greater riches than the treasures of Egypt, and chose rather to suffer affliction with the people of God than to enjoy the pleasures of sin for a season. But was this the light in which his conduct deserved to be viewed; or is this the estimate we are now disposed to form of it? Certainly not. Who would now hesitate to pronounce his conduct to have been consummate wisdom; his choice a blessed choice, and worthy of universal imitation?

2. But the preference of the world's favour to that of God is not only foolish: it is criminal also.—Look at the circumstances of the human race, as they are exhibited in Scripture. When we were ruined by sin, God regarded us with compassion. He formed a plan for our deliverance from the ruin we had brought upon ourselves, and gave his only-begotten Son to be the sacrifice for our sins, and the author and finisher of our salvation. With such claims on our gratitude and affection, shall we withhold our regards from him, and place them on that world which he declares to be at enmity with him? Did our blessed Lord and Saviour quit the throne of his glory, and subject himself to suffering and to death, for our sakes, and shall we be so base and criminal as to seek the favour of his enemy in preference to his own? What excuse shall we be able to frame for thus turning our backs upon him, neglecting him, and even rejecting him, for the sake of that world to which we are required

to be crucified—dead, as it were; wholly unaffected by the motives which it furnishes, either by the allurements which it spreads before us, or by the terrors with which it would alarm us?

3. Nor is this course of conduct foolish and criminal only; it is fatal: it must terminate in utter ruin. Let us keep in mind the words of Christ himself; “Whosoever shall confess me before men, him will I confess before my Father which is in heaven. But whosoever shall deny me before men, him will I also deny before my Father which is in heaven.” Let these awful words sink deep into our hearts, that they may preserve us from the guilt of shrinking from an open profession of the faith of Christ, and a conscientious observance of his precepts, under the influence either of the fear of man’s frown, or the wish to obtain his favour. However desirable it may now appear to enjoy the praise of men, of what use will it prove to us to have obtained it, when we come to stand before the bar of God? What will it then avail us to have possessed through life the esteem and applause of men, while we were all the time denying the Lord that bought us, and while the pursuit of that very esteem and applause involved our denial of him?

Let me, before I conclude, address myself particularly to those whose minds are impressed with a sense of the importance of eternal things; and who, while they admit that one thing is needful—namely, the salvation of the soul—are nevertheless apt to be deterred by the fear of worldly consequences from pursuing a steady and consistent course of obedience to the commands of God. Consider the language of our Lord and his Apostles. They foresaw the very case we are contemplating, and have mercifully warned us of its danger. “Fear not them that kill the body, but are not able to kill the soul;

CHRIST. OBSERV. No. 249.

but rather fear Him which is able to destroy both body and soul in hell.” “What shall it profit a man if he shall gain the whole world, and lose his own soul?” St. Paul describes it as the character of the true Christian, that his “praise is not of men, but of God.” And how nobly did St. Paul exemplify his own maxim! for he counted all things—fortune, ease, fame, whatever the misjudging world deems great and good—he counted them all but loss for the excellency of the knowledge of Christ Jesus, for whom he gladly endured their loss, counting them but as dross, that he might win Christ. And in the same spirit does St. James assure us, that whosoever will be “a friend of the world,” so as to value and to court its favour and approbation, must be “the enemy of God.” Oh, then, let us be on our guard against the delusions of our great spiritual enemy, whose aim it is to prevent our extending our view to things future, by dazzling us with the glitter of present objects. Let us not be deceived by his devices. Let us fix our eyes, not on this world, but on that which is to come. We often, indeed, vainly endeavour to unite both; to stand well with the world, and yet to maintain our hope of an inheritance in heaven; but the effect must always be that we fail in the attempt, and it often, nay, generally is, that we lose both the objects at which we aim. Let us, then, avoid the ineffectual effort—an effort ruinous to him who makes it—to serve God and mammon. Let us not halt between two opinions. If the Lord be God, let us follow him fully. Let us take Christ and his cross for our portion: and then, in death, and through eternity, we shall increasingly experience the value of the choice we have made.

But are there any here who feel inconveniences and difficulties arising from their consistent profession of religion, and who are ready in consequence to faint and to be dis-

heartened? Let them, by way of antidote, contemplate frequently and intently the exceeding weight of glory reserved for the faithful followers of the crucified Saviour. Let them look forward to the rest prepared for the people of God, and to the abundant entrance which will be ministered to them into that everlasting kingdom, where the Patriarchs and Prophets and Apostles are tuning their harps to His praise who loved them and redeemed them to God by his blood. Let them look forward to the time when *they* too shall bear some humble part in that immortal song; when *they* too shall unite in ascribing praise and honour and glory to Him who died for them and rose again, and who hath made them kings and priests unto God. This will abundantly compensate to them all the sufferings of mortality, and console them under its heaviest trials. May we be enabled ever to derive our support and consolation from these hallowed sources whilst here, that we may hereafter be admitted to drink of those streams of unceasing gladness which flow from the throne of God.

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For the Christian Observer.

ON THE CAUSES OF WANT OF
SUCCESS IN THE CHRISTIAN
MINISTRY.

(Concluded from p. 473.)

4. A FOURTH impediment to success in the pastoral office, is *the want of greater simplicity and disinterestedness in ministers.*—In every department of human action, an earnest devotion to a given object is requisite to ensure a high degree of pre-eminence. The great master-pieces in every art have been the work of men who dedicated themselves with unbroken unity of design to their beloved vocation; whom no temptations could draw aside from what they esteemed to be, at least in their own case, the most interesting and valuable of human attainments. The exalt-

ed characters of every age have been formed on this inflexible principle. They have proposed to themselves one supreme object of pursuit; to this their strength, their talents, their property, their life itself, were unintermittingly devoted; they lost no time, and exhausted no energy, in extraneous occupations; they indulged in no episodes or parentheses of action; but pressed on towards the goal of their hopes, steadily, cheerfully, and at last triumphantly. If the attention be divided in its aim by two distinct objects, neither of which the mind is willing to relinquish, it is probable that both will be missed; and the more numerous and powerful the contending attractions, the greater the uncertainty of securing any. Hence, among other reasons, the earnest exhortation of St. Paul to Timothy, in reference to the duties of the Christian ministry, "Give thyself *wholly* to these things;" and hence the determination of the twelve Apostles to relinquish as much as possible affairs of a secular and distracting nature, in order that they might devote themselves continually "to prayer and the ministry of the word."

In this, as in all other respects, our blessed Lord has left a bright example to his ministers. How intently was he occupied in his heavenly Father's business! how completely was every power of his soul brought into willing subjection to his great object, the redemption of the world! For this he deliberated, he prayed, he watched, he laboured, he suffered, he died. His Apostles all exemplified a similar character. They lived "not to themselves, but to Him who loved them and gave himself for them:" they proved that one supreme object engrossed their minds—namely, to "save themselves and them that heard them." The faithful servants of Christ in all ages have studied the same simplicity and entirety of character;

the same ardour for the advancement of their Redeemer's kingdom; the same steady endeavour to promote, to the utmost of their power, the welfare, especially the spiritual welfare, of mankind.

It is indeed readily admitted, and it ought never to be forgotten in any discussion respecting the success of the Christian ministry, that the whole of that success must flow supremely from the blessing of God and the influences of the Holy Spirit—a point which has been already considered in a former part of these remarks;—but, mediately, and instrumentally, the character of a minister is of the utmost importance to the production of this effect, and particularly as respects his singleness and decision of aim. An individual who would succeed as a statesman, a man of business, a poet, a painter, a musician, keeps his main object constantly in sight: he is known, and wishes to be known, to society only, or chiefly, in his appropriate character: wherever he goes, and in whatever pursuit he is engaged, the ruling passion shows itself predominant over the counteracting casualties of the passing hour. Now this parallel applies to the minister of Christ: he must be known by the world strictly in his pastoral character; he must appear among his people, not to buy or to sell, not to converse on politics or agriculture, not to receive or to communicate mere secular intelligence, much less to join in vain amusements or debasing occupations; but to urge upon men the serious consideration of sickness, and death, and eternity; to alarm the thoughtless, to direct the misguided, to heal the broken-hearted, and to point all to the cross of an infinitely gracious Saviour. The want of this singleness of character is one frequent and extensive cause of ministerial failure. The ambassador for God remembers the nature of his office in the desk or the pulpit, at the

font or the altar, by the sick-bed or at the tomb, and in general, perhaps, on all occasions of formal professional engagement; but he too often forgets it in his ordinary commerce with society. Instead of raising the tone of worldly intercourse, he sinks to its level; he suffers his tastes and prejudices, perhaps his passions or interests, to become implicated with engagements of a secondary nature, which deteriorate his character and deform his spiritual-mindedness. His parishioners are not accustomed to look upon him as decidedly a man of another world: they rivet him to *their* topics, instead of listening to *his*; and the business of their farms and their merchandise engrosses the moments which he should devote exclusively to their souls. This secularity of spirit is deeply injurious to the success of the Christian ministry, and annihilates a principal benefit which was intended to be secured in rendering the clergy as far as possible free from the concerns of the exchange and the market, and providing for their reasonable necessities without the fatigue of labour, the harassing vicissitudes of profit and loss, or the dangerous temptations of worldly speculation and barter.

The difficulty of maintaining an habitual character of unaffected pastoral simplicity and disinterestedness, free from debasing commixtures, is readily acknowledged. Even clergymen of undoubted piety and devotional habits may find in their indispensable worldly engagements, in the daily concerns of a family, a school, a parish, or even a charitable institution, much to chill the current of their thoughts and affections. Their intercourse with the world will, in many instances, of necessity be "concerning giving and receiving;" they will come in frequent contact with their neighbours in points where questions of interest or inclination may arise; for they cannot go out

of the world, even while they endeavour to live above it. But the effects of this necessary intercourse should, as far as they are baneful, be sedulously guarded against, and the intercourse itself be restricted to its narrowest possible limits. A clergyman should not be ashamed for it to be fully known and felt, throughout the whole circle of his acquaintance with society—yea, he should account it his greatest honour—that he lives under the paramount influence of what Lord Shaftesbury sneeringly calls “the sublime passion of saving souls.” He should carry the spirit of his office into all his pursuits: the spear of Ithuriel should be in his hand; his touch should refine even secular intercourse, and make earth itself administer to thoughts of heaven. Were every minister of Christ thus habitually minded, we might, under the Divine blessing, confidently hope for vast accessions to the true members of the Christian church;—accessions, the extent of which we may presumptively judge of by the abundant success with which God is sometimes pleased to bless the labours of those individuals who in some humble measure approach towards this desirable standard. Nor needs a minister, in order to maintain this character, shrink, as some are accustomed to do, from labours of apparently a temporal nature only, wherever duty requires his presence. He may preside in his parish vestry, and take an active interest in the affairs of the poor and the discipline of his neighbourhood, not only without impeding the effects of his ministry, but with manifest advantage to it, even in its most spiritual objects, if only he be careful to maintain, throughout all his proceedings, a constant spirit of devotion and disinterestedness, regulated by wisdom and sweetened by affection.

5. Connected in some measure with the last-mentioned cause of failure, is another—the want of

greater zeal and energy.—A clergyman, however prudent or faithful, however devout or disinterested, will be an inefficient pastor, if his ministrations are characterized by tameness and languor. Even affection is not an adequate substitute for earnestness, though, happily, it has a tendency to produce or augment it, except so far as it may be counteracted by the deadening influence of professional familiarity with sacred things—an effect against which a minister cannot too vigilantly guard. The habit of frequently reading the same services, composing and delivering discourses on nearly the same round of topics, and performing the same offices of piety and benevolence, will in time repress much of a minister’s ardour in his duties, unless, in proportion as the functions of his profession lose in point of excitement by the absence of novelty, they gain in heart-felt interest by his largely increased estimate of their importance, and by his growing tenderness of conscience, and love to God, and affection for the souls of men. How frequently does it happen that a Christian instructor, whose early ministrations excited a deep and general interest in his parish, and seemed to be rapidly changing its character and giving birth to an exhaustless energy of religious improvement, in a few years cools himself, and cools all around him; preaching indeed the same doctrines, and going through the same routine of duties, as in his most zealous days, but infusing into none of his ministrations the devout earnestness which once gave them one of their most powerful attractions! Where indeed this decay of pastoral energy arises merely from the natural consequences of advancing age or infirmity, it is usually counterbalanced by advantages which in some measure compensate for the defect. The Apostle John, for example, though incapacitated towards the close of his protracted life for being as ener-

getic in his pastoral labours as at former periods of his ministry, was yet able, by his matured wisdom and experience, by his increased rather than diminished affection for the souls of his people, and by the influence and authority which he had gained over them, to accomplish more by appearing among them, in all the feebleness of years, and when capable of uttering only his favourite injunction to peace and love, than a stranger would have effected by the most minute and zealous addresses. But where unhappily the decay of pastoral energy arises, as is sometimes the fact, from causes of a more culpable kind—from drinking too deeply of a worldly spirit, from rising hopes and prospects in society, from remissness in the private duties of devotion, or from a secret unwillingness to bear that reproach of the Cross of Christ which always attends a faithful and zealous discharge of ministerial duties—then it becomes a cause of failure unbalanced by any alleviating circumstance, and involves the deepest guilt in the individual, with direful injury to his flock.

6. The *fear of man* is another frequent cause of ministerial failure, and few clergymen, probably, go through life wholly undisturbed by its influence.—Taken in what light we will, “the fear of man bringeth a snare.” In addressing the rich, the gay, and the avowedly worldly, this danger is universally acknowledged: it is, however, not less certain, though perhaps it is less apparent, in some other cases. If few clergymen, comparatively, are perfectly decided and wholly unconstrained in faithfully, though affectionately, urging upon the characters just mentioned, without compromise or reserve, the terrors of God’s law, and the requisitions of his Gospel; still fewer have the courage properly to encounter the more formidable hazards which attend a ministerial warfare with those strongly entrenched parties, the

decorously moral, the fastidiously intellectual, and, above all, some of the professedly religious. The fear of man will enfeeble the statements of one minister on the fundamental doctrine of justification by faith, lest he should lay himself open (as, if he be faithful, he inevitably will to the censure and misrepresentations of the formalist and the pharisee; while the same fear will drive another to the verge of antinomianism, or at least grievously curtail and enfeeble his practical expositions of duty, in order that he may escape the charge of being legal, and of dreading to encounter the offence which always follows a full disclosure of scriptural doctrine. The reader may readily conceive many other illustrations; and the more the subject is considered, the more extensive will this prolific cause of failure appear. Till a minister attains such strength of character and fixedness of principle that he is the same under all circumstances and in all companies; till he learns to act with Christian independence, unswayed by flattery and unawed by opposition; till he is accustomed, in all his words and actions, to refer ultimately and decisively to the dictates of conscience and the word of God—guided, indeed, by the counsel of the wise and good, but surrendering nothing to fear, favour, or worldly policy—he will always find in his temporizing cowardice a powerful impediment to the effect of his pastoral exertions.

7. A *want of perseverance* may be specified as another frequent cause of ministerial failure.—Many persons, who are not deficient in piety or zeal, fail lamentably in the article of patience. They begin warmly and well, but they finish nothing: they are ever inventing novel schemes of utility, and enlisting new agents to carry them into effect, while they fail to follow up the plans already in operation with that perseverance which is necessary to their ultimate success.

Hence new schools, new societies, new lectures, are hastily instituted, and almost as hastily fall into neglect. The seed is sown, but it is neither watered nor weeded; so that, long before it comes to a state to afford any serviceable produce, it perishes for want of cultivation. Habits of clerical vagrancy are in this respect highly injurious; and though, generally speaking, it may be more the misfortune than the wish of the clergy, frequently to change the sphere of their ministration, induced to do so on account of the inadequacy of many of our cures to afford a decent provision, the effect upon their flocks cannot be too deeply deplored. Congregations are thus dispersed; new habits are formed; some, who "seemed to run well," go back; while others, who were just coming under the influence of the benevolent plans laid for their benefit, are forgotten in the multiplicity of new objects and operations. A minister who is conscious of that common failing, the love of novelty, should strenuously watch and pray against it; and he should especially beware of being seduced, by a flattering prospect of hypothetical good, to forego what is real and substantial. There is great danger of "despising the day of small things;" of consuming life in laying projects which are never likely to be realized, instead of attending to what is actually within our power at the present moment. A minister should not be above descending from generals to circumstantialities; from congregated hundreds, as they present themselves to his notice on the Sabbath, to the most solitary outcast or straggler whom he may happen to encounter during the week. If, for instance, he should observe any one individual apparently impressed, or impressible, with religious considerations, he should endeavour to improve the occasion for permanent advantage. The physician of the body, indeed, retires

as soon as his patient recovers; but the physician of the soul, whose lessons of heavenly wisdom began perhaps to be anxiously listened to in the season of sickness and affliction, should not thus abruptly take his leave: he should endeavour to deepen the salutary impressions made in the hour of dejection, and to watch over the practical operation of those resolutions which were formed while the spirit was tender and the heart susceptible. A few cases thus anxiously and perseveringly followed up, will probably in the end bring forth far more abundant and substantial fruit, than is likely to arise from the most flattering variety of imposing but transient and abortive projects. A clergyman contented thus to labour unostentatiously and unintermittingly, will in the course of years see grow up around him a generation formed in some measure under his guidance, and prepared, it may be hoped, by the blessing of God, to become "his crown of rejoicing in the presence of the Lord Jesus at his coming."

8. Another source of impediment arises from *the personal indiscretions, inconsistencies, and defects of ministers*—The specifications under this head would be as endless as painful. For example, frivolity of character; indiscretion of speech; petty meanness of conduct; ignorance of the proprieties of society, or contempt for them; gross deficiency in the knowledge of the common affairs of life, followed by embarrassments, which not only expose the individual to ridicule in the eyes of the world, but prove how little he is qualified to counsel others in their difficulties, or to solve, on just principles, their cases of conscience; and which, moreover, lead persons to the inference that a man so apparently weak of understanding, and open to mistake and imposition in daily affairs, cannot be a very competent guide or authority in the matters of religion. Akin to this is whatever

justly tends to lower a minister's character and respectability. I would adduce only two illustrations—namely, *not ruling his own house wisely*; and, *allowing his pecuniary expenses to exceed his income*. These two points, simple as they may appear, deserve serious consideration; for, among the *subordinate* causes of want of pastoral success, it might be difficult to find any of greater potency than these, wherever they occur. A clergyman overwhelmed with debts to his parishioners, whether his debts arise from vanity or from improvidence, loses his influence over their minds; and it is well if he is not also guilty, as too many persons who heedlessly plunge into debt are, of artifices, evasions, and perhaps worse offences, which must bring him into contempt, and utterly destroy the spiritual effect of his ministrations. However rigid may be the economy called for by a clergyman's circumstances, to that degree of economy he is conscientiously bound to submit; and every step beyond it, except under inevitable visitations of Providence, is an advance towards disgrace and ruin both as a man and a minister. The privations of many of the poorer clergy are indeed most deeply to be deplored and sympathized with—and would that they were remedied!—but, to the credit of this class generally be it spoken, it is not in *their* quarter that the above-mentioned impediment to ministerial usefulness is to be chiefly found. Virtuous indigence may excite pity, but it is not in itself either contemptible or disgraceful; nay, if borne with patience and self-denial, and not augmented by vanity or imprudence, it may serve to elevate rather than debase a minister in the eyes of his parishioners: but it is where Divine Providence has bestowed sufficient for the purposes of comfort and respectability, but where, unhappily, ostentation or habits of improvidence create larger demands, which

there is not sufficient strength of religion or self-denying principle to repress, that the offence in question arises, and is attended with the most disastrous consequences.—The other point, also, above mentioned, is of great moment; for the world at large, religious or irreligious, perfectly concur with the Apostle, that, if a man rule not his own house well, he is not likely to take care of the church of God. The subject deserves to be mentioned the more particularly, even in this brief enumeration, because some ministers of undoubted piety, and who are exemplary in most points of *personal* conduct, mournfully fail in their plans of domestic government. A minister's household ought to be an example to his whole flock; and shame to the clergyman who, either from negligence, or from connivance, or from the love of ease, or from culpable weakness, or even from an exclusive attention to his public duties and the concerns of others, suffers the aspect of his family to cast a public reproach upon his sacred ministrations! Even such apparently slight circumstances as his domestic arrangements, the dress and deportment of his servants and other branches of his family, will be keenly scrutinized, and, if unsuitable to his pastoral character, may produce ill effects which no advice or exhortation can counteract.

It is scarcely necessary to specify personal deficiencies of a different kind—such as defects of manner, slovenly composition, an unhappy method of reading the services, defective enunciation, and a variety of kindred points; which, however, deserve their due measure of consideration among the subordinate classes of ministerial impediment. It is very certain that the world are powerfully swayed by such minor considerations; and not a few ministers of great attainments, and endowed with much zeal and piety, have had occasion to lament, that, for the want of

attending in their youth to these little external matters, their future usefulness was in a considerable degree impeded, and their labours rendered less acceptable to society. The topic, however, would not have called for an especial mention in the present enumeration, had not some good men, upon principle, diverted their own attention, and that of the younger clergy, from all points of this nature, alleging the example and the remarks of the great Apostle of the Gentiles as their authority. But it is very clear that this eminent servant of Christ, who was willing to become "all things [lawful] to all men, that he might save some," never meant to discourage a due attention to the little proprieties of manner, and the indifferent tastes and prejudices of society. His reprehensions are levelled only at those who debased the purity of Christian doctrine by unholy mixtures; who substituted the captious reasonings of the sophists, and the ambitious eloquence of the schools, for the simplicity of solid Christian instruction, and the humbling doctrines of the cross of Christ.

9. The defects mentioned under the preceding head imply more or less culpability in those of the clergy to whom they apply: the impediment next to be mentioned is of a different character; for it is the calamity, but not always the fault, of pious and exemplary ministers, particularly in obscure country places, when they cannot command influential co-operation and assistance.—In many happy instances, laymen of wealth and influence are seen uniting with their pastor in his schemes of utility; enforcing the observance of the Sabbath in their families and neighbourhoods; providing for the comforts of the poor; ensuring a full and punctual attendance on Divine worship; promoting education and good morals; and doing all in their power to render the exertions of their spiritual instructor generally

acceptable and efficient. Instances might be mentioned, in which landed proprietors have even made it an express condition in their agreements with their tenantry, that their children should be taught to read the Scriptures, and that both parents and children should regularly frequent public worship. But it is not always that the scene of a minister's labours is thus auspicious. Often, indigent, unknown, unsupported, he enters a parish, where, if he will not fall to the level of the surrounding religious indifference, and connive at the prevailing vices of the place, he must be prepared, not for general co-operation in his measures, but for suspicion, misrepresentation, and reproach,—especially if his doctrines have been duly formed by the unaccommodating standard of the Scriptures and of his own church. In such unhappy, but alas too common instances, a minister may exert himself for years, with the greatest discretion, humility, and diligence, before he begins to discover the salutary effect of his labours. It is painful to reflect what formidable embarrassments one single individual, of wide but abused influence, may cause to the faithful ministrations of his pastor, and the spiritual welfare of his neighbours. In many instances, a vague, unmeaning outcry of "Methodism," or "Calvinism," or "Evangelism," or "Puritanism," (it matters little by what name of reproach scriptural piety is designated,) is raised in a parish, to the utter exclusion of justice, candour, or impartiality in judging of the doctrines or the conduct of the implicated individual; and thus for a lengthened period may the most faithful and consistent servant of Christ be constrained to proceed in desertion and sorrow, till the soundness of his tenets and the purity of his life effectually refute the calumny. And even where there is no positive attempt to impede a minister's plans of useful-

ness, the coldness and neutrality of his more wealthy parishioners will often produce many of the effects of positive hostility. These things the Christian minister must, wherever necessary, be prepared to bear, since they naturally result from the great contest, which has been in progress for nearly six thousand years, between darkness and light, the kingdom of Satan and the kingdom of God. They must, however, be classed among the serious impediments to the success of the pastoral office, and should be prevented, as far as possible, by such a wise and disinterested line of conduct as may disarm malice of its sting, and convert neutrals and opponents into friends.

10. The impediment just mentioned was from *without* the walls of the sanctuary; but a still more formidable one is found within its inmost pale—the *want of union among the clergy themselves*.—Even in cases where some leading individuals among the surrounding laity are disposed to co-operate in promoting the extension of religion in their vicinity, the difference which exist among the clergy themselves furnish a fearful obstacle. This is too large a subject for discussion in the present cursory remarks: there is, however, one particular branch of it, which it may be important just to notice, namely, the want of cordial union among

many who, differing as they may in points of minor interest, yet agree in all the essentials of faith and practice, and are really anxious for the salvation of mankind. It is deeply to be lamented that the divisions in the visible Church of Christ are not confined to the necessary breach between those who evidently serve God, and those who as evidently serve him not; but that even among those who in the main think alike, and who are equally anxious for the extension of the Redeemer's kingdom, the enemy of souls contrives to sow the tares of division, and to wound the Saviour in the house of his professed friends. It surely is not to be wondered at, that the preaching of the Gospel meets with comparatively such small success, when we consider how grievously even those "who have escaped from the pollution which is in the world through lust," are often perplexed by controversies on unessential points of doctrine or discipline, and by the divisions which they witness among the ministers of Christ. When will Christians duly feel the necessity of forgetting trivial debates, in the wiser, and holier, and infinitely more useful office, of contending for the common faith, and strengthening each other's hands in the general contest with "the world, the flesh, and the devil?"

W.

Miscellaneous.

REMARKS DURING A JOURNEY THROUGH NORTH AMERICA.

(Continued from p. 481.)

Charleston, North Carolina,
Feb. 19, 1820.

THE celebrated Missouri question continued the great subject of discussion, both in and out of Congress. CHRIST. OBSERV. No. 249.

gress, as long as I remained at Washington. The debates, both on the constitutional difficulties involved in the question, and on the expediency of the proposed restrictions, were very interesting; the former, as developing the spirit of the constitution, and requiring a constant reference to the original principles of the confederation;

the latter, as exhibiting the views of the most enlightened men in the country with regard to the probable effects of the admission of slavery into Missouri.

I left Washington on the 24th ult. proceeding only to Alexandria, six miles distant, where I slept, and where I had been not a little surprised to meet Joseph Lancaster a few days before. I set off the next morning at three o'clock, in what is called the mail-stage, the only public conveyance to the southward, and a wretched contrast to the excellent coaches in the north. It is a covered wagon, open at the front, with four horses; and although it was intensely cold, I was obliged to take my seat by the driver, in order to secure a view of the country during the remainder of the day. The road lay across woody labyrinths, through which the driver seemed to wind by instinct; and we often jolted into brooks, which were scarcely fordable. Leaving Mount Vernon, which I had previously visited, to our left, we reached Occoquan, twenty-three miles, to breakfast. Occoquan is romantically situated on a river of the same name, which winds below masses of rock, that my companion compared to those of the Hot-wells at Clifton, but they did not appear to me to be so high. We then proceeded by Neapsco, Dumfries, the Wappomansie River, Acquia, Stafford, and Falmouth, to Fredericksburgh, a small town on the Rappahannock, which we crossed by moonlight. Our journey this day was fifty miles in sixteen hours. —The next morning at three o'clock we left Fredericksburgh, and, passing the Bowling Green, Hanover Court-house, and the Oaks, reached Richmond at seven o'clock, sixty-six miles, in seventeen hours. At Hanover Court-house, at least 150 horses were standing fastened to the trees, all the stables being full, as it was a court day. This gave me a good opportunity of examining the Virginia horses,

which appear to deserve their reputation.

After we left Alexandria, the country assumed an aspect very different from any which I had before seen. For miles together the road runs through woods of pine, intermingled with oak and cedar; the track sometimes contracting within such narrow limits that the vehicle rubs against the trees; at others expanding to the width of a London turnpike-road, yet so beset with stumps of trees that it requires no common skill to effect a secure passage. On emerging, at intervals, from forests which you have begun to fear may prove interminable, the eye wanders over an extensive country, thickly wooded, and varied with hill and dale; and the monotony of the road is further relieved by precipitous descents into romantic creeks, or small valleys, which afford a passage to the little rivers which are hastening to the Atlantic. Every ten or fifteen miles you come either to a little village, composed of a few frame houses, with an extensive substantial house, whose respectable appearance, rather than any sign, demonstrates it to be a tavern (as the inns are called,) or to a single house appropriated to that purpose, and standing alone in the woods. At these taverns you are accosted, often with an easy civility, sometimes with a repulsive frigidity, by a landlord who appears perfectly indifferent whether or not you take any thing *for the good of the house*. If, however, you intimate an intention to take some refreshment, a most plentiful repast is immediately set before you, consisting of beef-steaks, fowls, turkeys, ham, partridges, eggs, and, if near the coast, fish and oysters, with a great variety of hot bread, both of wheat flour and Indian corn, the latter of which is prepared in many ways, and is very good. The landlord usually comes in to converse with you, and to make one of the party; and as one

cannot have a private room, I do not find his company disagreeable. He is, in general, well informed and well behaved, and the independence of manner which has often been remarked upon, is rather like than otherwise, when it is not assumed or obtrusive, but appears to arise naturally from easy circumstances, and a consciousness that, both with respect to situation and intelligence, he is at least on a level with the generality of his visitors. At first I was a little surprised, on inquiring where the stage stopped to breakfast, to be told, At Major Todd's;—to dine? At Col. Brown's—but I am now becoming familiar with these phenomena of civil and political equality, and wish to communicate my first impressions before they fade away.

Between the villages, if such they may be called, you see few habitations, and those are almost exclusively log houses, which are constructed as follows: Trunks of trees, about a foot or a foot and a half in diameter, generally with the bark on, are laid on one another, indented a little at each end, to form a kind of fastening; their length determining the length and width, and their number the height of the building. The interstices are usually filled with clay; though sometimes, especially in barns, they are allowed to remain open, in which case you can generally see daylight through both walls. Situated in a thick wood, with a little space cleared around them, where the stems of last year's Indian corn are still standing among the recently decapitated stumps of trees, these dwellings exhibit as striking a contrast as can well be imagined to an English cottage with its little garden. Sometimes, however, as in England, you may see a neat, modest-looking cottage girl standing at the door, whose placid, cheerful countenance, seems to smile with good-natured satire on the external decorations of rank and fashion; and even the black

faces of the little slaves, the more frequent inhabitants of these primitive cabins, are often irradiated with a smile of playfulness and satisfaction.

Our gradual approach to the southward has been strongly indicated by a great increase in the proportion of the Black population. I believe you are aware that the importation of Slaves into the United States has been prohibited by law since the year 1808; and that in many of the Northern states, *slavery* is either extinguished already, or will be so on the arrival of certain fixed and early periods appointed by their respective legislatures. The states, however, to the south of Pennsylvania, with the exception, I believe, of Delaware, have made no provision for its extinction, and are termed *slave-holding states*; and although their legislatures may profess to be, and perhaps are, opposed to slavery in the abstract, yet, conceiving that the climate renders the use of Negroes indispensable to cultivation, and that their emancipation would be attended with difficulties which have hitherto appeared insurmountable, they may be regarded as practically contemplating the perpetuation of slavery to the remotest period to which their political views extend. We will hope, however, that some ray of light will break in on this gloomy prospect, even though it should condemn to perpetual sterility the arid sands and pestilential swamps on which the Negroes are employed.

You will believe that it was not without the most painful emotions that I for the first time contemplated the revolting spectacle of man in bondage to his fellow-man, and that I felt myself surrounded by unhappy victims for whom nature and humanity seemed in vain to urge the unanswerable plea, "Am I not a man and a brother?" Unhappy indeed we must regard them in their degraded condition!—although I have no doubt that they

may sometimes pass through life with as little actual suffering as some of their free brethren. I have hitherto conversed with but few slaves, comparatively, *on the plantations*; but I have been surprised with the ease, cheerfulness, and intelligence of the *domestic* slaves. Their manners, and their mode of expressing themselves, have generally been decidedly superior to those of many of the lower classes in England. The servants at almost all the hotels in the Southern states are slaves; some belonging to the landlord, others to farmers in the neighbourhood, who let them out by the year. The first I talked with was at Washington, where he came into my bed-room to make my fire. On seeing me disposed to converse with him, he leaned his arm on the chimney-piece with considerable ease, and said he was to be free in three months, when he should be twenty-eight years of age; that he liked the thoughts of it, but did not suppose he should be better off than at present; that in fact, he should have to do precisely as he did now, except that he might change his master, if he had a bad one: to set against which was the consideration, that now his master was obliged to maintain him, and then he must starve if he was idle;—but that “he understood the common people in *my* country were so oppressed that they were worse off than the slaves in America!” Here I endeavoured to extricate him from his egregious blunder.

Three out of four of the Black coachmen we had the other day (all slaves,) I found very intelligent. They said, All they wanted was good masters, but that their liability to be sold to bad ones, and to be separated from their families, was a cruel part of their condition;—that in that part of the country (Virginia) they had Sunday to themselves; one holiday in April, one in May, and four at Christmas;—that they had public worship on Sundays, and on one evening

in the week;—that many of them could read; and that some of their preachers were Slaves. I cannot describe my feelings when sitting by the side of a fellow creature and talking to him of his own price! Often did a little verse, with which our children are familiar, recur to my recollection, with some sense, I hope, of the gratitude which it ought to inspire.

“I was not born a little Slave,
To labour in the sun,
And wish I were but in my grave,
And all my labour done.”

Highly as I have ever appreciated the privilege of claiming as my native country the most favoured corner of the Globe, I think I never entertained so strong a sense of this blessing as since more extended observation has enabled me to *feel* its magnitude by comparison with other countries; and especially since I have had the opportunity of contemplating a class of my fellow creatures excluded from the benefits of the social compact—not voluntarily relinquishing a portion of their natural liberty to secure the free enjoyment of the remainder, but forcibly, and for ever, deprived of all; who see in law but a legalized oppressor, and in civil institutions a shelter indeed to those who repose under their shadow, but a hostile combination of physical and moral power against the proscribed and helpless victims beyond their pale. We are ready enough to boast of our privileges as Britons, but when shall we remember our responsibilities? These are awfully great. To us are peculiarly committed the “ten talents;” and the life of an Englishman should be a life of self-devotion to the interests of the unhappy in every clime.

And yet there is a bondage from which all our national privileges may be insufficient to secure us—as real, although less obvious, as galling, but not so transient, as the captivity of the poor Negro whom

we commiserate;—a bondage which will press upon us with its heaviest chains at that awful hour of dissolution when the African will burst *his* manacles for ever. And there is a *freedom*, which connects many a despised slave with the spirits of just men made perfect; a freedom which their benevolent advocates in a land of liberty may overlook.

“He is the free man whom the Truth makes free,

And all are slaves besides:”

And of him it may be said, but in a far sublimer sense than was contemplated by the orator whose words I borrow, that “he is redeemed, regenerated, disenthralled, by the Spirit of universal emancipation.”

I had expected to be much pleased with Richmond, but was somewhat disappointed; although, had the weather been brighter, my impressions would probably have been more favourable. It is built, like its original, on the brow and at the foot of a very steep hill; and is washed by James River, which, when full, must be broader considerably than the Thames under Richmond Hill. A large bed of rocks just opposite the town, and extending, I believe, some miles beyond, renders the river unnavigable for some distance above, where the navigation is resumed by means of a canal. These rocks form what are called the Falls of the river, and in a flood must have a magnificent effect.

The Capitol, where the legislature assemble you are aware that every state has its distinct legislature, for the management of its internal concerns, as well as its senators and representatives in the general Congress) is built on the model of the Parthenon at Athens, and is finely situated at the summit of the hill. The view from it is very extensive, but the surrounding country at this season is brown and uninteresting; not like the rich green English landscape which our Richmond Hill presents, where Art seems to have completed what Nature had

begun, by removing whatever did not harmonize with her general expression; where the sombre and venerable aspect of our ancient forest and royal domains is finely contrasted with the fresh verdure of young plantations, luxuriant meadows, and velvet lawns, washed by the sparkling waters of the silvery Thames; where you embrace in a *coup-d'œil* the pleasing and familiar images of rural simplicity, and the refined decorations of the most exquisite taste; where the same objects which delight the eye kindle the imagination, and awaken recollections which impart a classical interest to the enchanting scene.

I left Richmond in the stage at eleven o'clock, and arrived at Petersburg at six—twenty-five miles in seven hours. The road was a deep sandy clay, in some places barely passable, through woods of pine. A few miles from Petersburg the driver pointed out to me the old wooden church which the British made their headquarters for some days, when harassed by General La Fayette in the revolutionary war.

Petersburgh is a little town, which has risen, like the phoenix, from its ashes, having been almost entirely consumed in 1815. It is situated on the Oppomaton, which falls into James River, and in summer must be pretty, but at present the adjoining country is brown and dreary. I am the more sensible of this defect, as my eyes have for the last six weeks been accustomed to a sparkling surface of the purest snow, which in many cases, I have no doubt, has concealed the nakedness of the land, and which in a woody country, and a climate as pure as this, greatly enhances the beauty of a winter prospect. I have already described the nature of the accommodations on the road; and as I do not intend to trouble you with an account of our meals, I will once for all give you a general idea of a tavern, or inn, in

the *Southern* towns. These are sometimes quite as large, often nearly so, as the York-House at Bath. On arriving, your luggage is immediately carried to the baggage-room, that the lobby may not be crowded; and the passengers afterwards either send it to their bed-rooms at their leisure, or allow it to remain locked up. You are then shown into a large room, which communicates with the bar, or into a reading-room, filled with newspapers from almost every state in the Union. Usually about half past eight o'clock the bell rings for breakfast, and you sit down, with sixty or eighty persons, to tea and coffee, and every variety of flesh, fowl, and fish, wheat bread, Indian-corn bread, buck-wheat cakes, &c. &c. Every one rises as soon as he has finished his meal, and the busy scene is usually over in ten minutes. At two or three o'clock the bell rings, and the door unlocks, for dinner. The stream *rushes* in and *dribbles* out as at breakfast, and the room is clear in less than a quarter of an hour. At dinner, there are frequently four or five turkeys on the table, and the greatest possible variety and profusion of meat, poultry, and pastry. The waiters, who are numerous, civil, and attentive, carve; few persons appearing to have leisure to assist their neighbours. There are decanters of brandy in a row down the table, which appeared to me to be used with great moderation, and for which no extra charge is made. Tea is a repetition of breakfast, with the omission of beef-steaks, but in other respects with almost an equal profusion of meat, fowls, turkey-legs, &c.—While on the subject of eating, which I do not intend to resume, I mean, the *subject*,) I will mention, that I do not recollect to have dined a single day, from my arrival in America till I left Virginia, without a turkey on the table; often two, in gentlemen's houses. On Christmas-Eve, in the little town of Norfolk, Virginia, it

was said that 6000 turkeys were in the market.—The picture which I have given you of the meals at taverns is not an inviting one: they more resemble a school-boy's scramble than a social repast. The domestic economy of the bed-chamber is still less agreeable. If you do not make stipulations to the contrary, you are shown, as a thing of course, into a room with from three or four to six or seven beds. I have, however, never failed, since I left New York, by early and earnest application, to secure a separate bed-chamber, for I cannot reconcile myself to these gregarious habits.

The streets of Petersburg were crowded with hogsheads of tobacco; and on the road we continually met with single hogsheads, drawn by two horses, coming eighty or a hundred miles from the interior. Two circular rims, like the circumference of a wheel, are fastened to them, and they turn on two pivots driven into the ends.—It was not the season to see the tobacco growing. I understand that it is a most troublesome crop. It requires the best soil; and either new land must be cleared for it expressly, or the wheat and Indian-corn lands must be robbed of their manure to provide a most inadequate supply. The high prices which tobacco has frequently obtained in Europe, have encouraged its cultivation, to an extent which it probably would never have attained, if its average value in relation to wheat and Indian-corn had been more apparent, and if it had been deprived of its attractions as an article of speculation. I was informed, by some members of an agricultural society in Virginia, that the injurious effects of the system of agriculture pursued by the tobacco planters had at length become too obvious to be overlooked; that many were gradually relinquishing the culture of this plant, and that some had abandoned it altogether.

The land in Virginia may be considered as occupied entirely by

the proprietors of the soil, rents being almost unknown. The estates usually consist of from 1000 to 6000 or 10,000 acres each; and, *cæteris paribus*, those which have been least cleared are considered the most valuable. Oak, hickory, and dog-wood, denote the best land; cedar and pine the worst. When land has been worked out and left to itself, it is gradually clothed with wood again, though seldom of so large a growth as the original trees. I have been informed, but I do not consider my authority quite unequivocal, that oak is almost invariably succeeded by pine, and *vice versa*. Frequently, when passing through large woods of pine, whose hereditary title to the soil I had imagined had been handed down to them inviolate by their predecessors, I have detected marks of previous cultivation, and on inquiry have been informed that the land which they occupied was formerly under tillage. This process, so reversing the order of things which we inhabitants of the old world expect to find in the new, at first puzzled me a little; but the Virginian mode of cultivation in some degree explained the secret.

I left Petersburg at one o'clock on the morning of the 3d, and arrived at Raleigh, the capital of North Carolina, at three in the afternoon of the 4th—137 miles in 38 hours. Raleigh, where we were detained by the want of a conveyance till the following day, is named after the celebrated Sir Walter Raleigh, who, as well as Pocohuntas, the Indian queen, and General Washington, figures on the signs, and gives his name to innumerable taverns in those parts of the country in which signs are not considered superfluous. The streets, which all terminate in the surrounding forest, are, as in almost all the American towns and villages, very wide; and the white frame houses, with their neat Venetian blinds, which the heat renders almost indispensable to the

smallest house, give the town a clean and interesting appearance. The state-house, in which the legislature meet, is soon to receive a statue of General Washington from the hand of Canova.

We left Raleigh on the 5th at noon, and proceeded to Fayetteville, where we arrived at seven the next morning, several hours later than we expected, having accomplished only sixty miles in eighteen hours. It was Sunday; and two or three very handsome spires, which we saw as we entered the town, made us congratulate ourselves that we had fixed on that place as the spot where to pitch our tent for the Sabbath. There was service three times in the Episcopal church; and I was told that the Episcopal clergyman and the Presbyterian minister preach alternately on Thursday evening in each other's place of worship; and in their other arrangements evince a spirit of Christian charity and co-operation. The day was like one of our June days; and the sudden transition to summer was delightful, and brought with it a new train of feelings. People were sitting in their verandahs reading; although three days previously, in Virginia, it was intensely cold, and the road so hard with frost that our heavy stage made no impression.

We left Fayetteville at five o'clock on the 8th, and, passing through Lumberton and Georgetown, reached Charleston at ten o'clock on the 10th—203 miles in 53 hours.—This, you will say, is wretchedly slow travelling, in the only public conveyance between Washington and the Southern states. Yet this vehicle is dignified by the title of the United States mail, although it is only an open wagon and four, with curtains which unfurl; and the mail bags lie lumbering about your feet, among the trunks and packages which the passengers smuggle into the inside. Indeed, there is a strong temptation to make companion of your trunks; for, otherwise, as they are merely laid on behind,

they are in imminent danger of being lost, although the driver dismounts every few miles to see that they are safe. As this kind of attention, however, seemed better adapted to ascertain your loss than to secure your property, I bought a chain and padlock: one end of the chain my servant introduced into the stage: if he had a nibble, his attention was awakened; and a bite showed that it was high time to stop. We broke two chains, but brought our luggage safely. The principal reason why the conveyance is so wretched, is, that few persons travel from the Southern to the Northern states by land, except in their own carriages; and as the road runs through the poorest part of America, even the opulent families generally prefer the packets. I should be glad, for the sake of the candour of those English travellers who so have misrepresented America, if their range of observation had been confined to the road on the seacoast from New-York to Georgia. Their inaccurate representations might then be accounted for, without impeaching either their motives or their good temper. From Petersburg to the borders of North Carolina, the inns, the people, the face of the country, all seemed to degenerate; and from Petersburg to Charleston we passed through only three small towns, and a few very small villages, although the distance is 400 miles. The log-huts were very thinly scattered; and the manners of the lower classes, both of the Black and White population, altered very sensibly for the worse. Their general demeanour became more rude and familiar, and their conversation more licentious and profane: their appearance, also, was dirty, ragged, and uncomfortable. The Virginian nightingales and mocking-birds have been our constant companions; and we were desired to look out for racoons and opossums, but did not see any. The number and variety of the squir-

rels were almost incredible; I heard of several instances of from 2000 to 3000 being killed in a day in some of the large squirrel-hunts. I once observed a beautiful one perfectly white.

Although our route lay principally through the most barren tracts of Virginia and the Carolinas, I had the opportunity of seeing the clearing of land in almost every different stage. The process, I believe, is familiar to you, and I will not therefore describe it. You can have no idea, however, of the picture of desolation which is presented by a large tract of girdled trees, not only destitute of verdure, but entirely stripped of their bark; some black to the top, with fire which has been applied to them; some falling as you pass with a great crash; and others going by fragments to decay. The prodigious size of the pine trees thus deformed, and the absence of any thing to relieve the eye, which at that season could wander only over a leafless forest, added greatly to the effect. In passing through the pine barrens of the Carolinas, we saw many trees with little excavations in them, for the purpose of collecting the turpentine from them at particular seasons of the year. When the turpentine begins to flow, the owner of the woods divides them into little districts, which are confided to the charge of his slaves. A Negro has usually the care of from 3000 to 5000 trees. I was told that 3000 trees often produce about seventy-five barrels of turpentine annually; and that the excavations are emptied five or six times in the season, which lasts from about May to September. We also saw the tar-pits, where the tar is extracted from the dead wood of the pine trees in a particular state. In the night we frequently passed parties "camping out" in the woods, by large fires; and occasionally saw trees, accidentally set on fire by their embers, gradually consuming like a torch.—I forgot

to say, in speaking of the clearing of land, that we had a striking instance of the rapidity with which a settlement is occasionally effected. The mail stage stopped for breakfast one morning at a very comfortable log-house. The land was cleared for about the space of an acre, and, in addition to the house, there were two out-houses; a stable, in which were the four mail horses; and a granary. Thirteen days previously this was the middle of a wood, and not a tree was cut down!

My companions were delighted with the frog concerts in the woods, and hailed them, as we do the cuckoo, as the harbinger of spring. I opened my window the first night, supposing these choristers were birds, and it was a night or two before I was undeceived. I have not thought them musical since I discovered my mistake.

In the course of our route from Petersburg we have crossed many rivers and creeks, frequently by ferries in the middle of the night. In South Carolina we have passed through several large swamps, where the monotony of the pine barrens was relieved by a variety of beautiful green shrubs, among which the magnolia was most conspicuous. As we approached the coast, I saw great abundance of the vegetable drapery which covers the trees like a fine cobweb, or hangs from them like streamers. Its botanical name, I believe, is *tellandria usneoides*. It is frequently said to mark the limits within which the yellow fever confines its ravages, but this is incorrect, for it is found every where within the Tropics.

We saw the first *rice* plantation at Georgetown, about sixty miles from Charleston, and began to be shocked with the vacant looks and ragged appearance of many of the slaves we met. But, abating the painful sensations excited by the appearance of slavery, our first approach to this city was calculated

CHRIST. OBSERV. No. 249.

to give us very favourable impressions, after our long monotonous ride through the pine barrens. On arriving at the ferry opposite Charleston, a little after sun-rise on a clear fresh morning, we crossed an extensive bay, from which we had a fine view of the open sea, and in which several ships were riding at anchor, loaded with rice and coffee, ready to sail for England with the first fair wind. Small boats of various kinds, sailing in every direction, gave animation to the scene; while the glittering spires increased our curiosity to see this metropolis of South Carolina, of which we had heard much. On entering the city, we seemed to be transported into a garden. Orange trees laden with ripe oranges, peach trees covered with blossoms, and flowering shrubs of a description which I had been accustomed to see only in hot houses, gave me impressions similar to those which I suppose you experienced on visiting some of the cities on the Mediterranean. I had no sooner sat down to breakfast at the hotel, than I found one black slave at my elbow fanning away flies with a flapper, and three or four covering the table with a profusion of dishes. On sallying out after breakfast, I found the streets filled with well-dressed and genteel-looking people, and carriages driving about in every direction.—But I must reserve a description of Charleston and its inhabitants till I have become better acquainted with them.

(*To be continued.*)

For the Christian Observer.

CHARACTER AND WRITINGS OF
THE LATE ELY BATES, FROM
MR. PEARSON'S LIFE OF MR.
HEY.

The author of "Christian Politics," Ely Bates, Esq. was a man endowed with a very superior capacity, a sublime genius, an original

turn of thinking, and powers of acute and correct ratiocination. He had made considerable attainments in various departments of philosophy, the abstract sciences, and polite literature; his acquirements in civil and ecclesiastical history were extensive and accurate, and in biblical and theological learning he was probably surpassed by few of his contemporaries. Mr. Bates possessed a great and independent spirit; he was an ardent lover of rational liberty; of unblemished uprightness and integrity in his conduct; steady and sincere in his friendships; and, above all, he was adorned with a simple, modest, consistent, and elevated piety. During many of the latter years of his life he resided at Blackheath, and lived in much privacy, though not absolute seclusion from society; dedicating his leisure to the improvement of his mind, to devotional exercises public and private, and to the conversation of his friends. His general deportment was grave and serious, and an air of abstraction would often hang about him; yet in discourse he was copious and animated; and, when raised to exertion by the grandeur and importance of his subject, he would display a rich, noble, and impressive eloquence, not very unlike the sublime simplicity of Homer.

When Mr. Bates had passed the middle period of life, he married a lady of suitable years, whose principles and pursuits, whose sentiments and dispositions, were congenial with his own; and of whom, if she were not still living, much might be said in honour of her intellectual attainments, her enlarged charity, and her eminent piety. Mr. Bates had suffered from infirm health during many years; but his decline at the last was rather rapid. He died at Bath, January the 4th, 1812, aged sixty-eight years; and was buried in the Abbey Church there, where a plain memorial with a

monumental inscription were placed by his widow.

Mr. Bates published the first part of an intended work under the title of "*A Chinese Fragment*," in the year 1786; the second part, by far the more important, was withheld from the public in consequence of the severity and harshness with which the first part was treated in one of the Reviews. In the year 1804 he published the third edition of "*Rural Philosophy*," a work that has met with a favourable reception from the public, and which was in much estimation with our late excellent Queen Charlotte, consort of George the Third. His "*Christian Politics*" appeared in 1806; this was an enlarged and greatly improved edition of a tract published some years before, under the title of "*A Cursory View of Civil Government*." The second and much improved edition of his "*Observations on some important Points in Divinity*," with the addition of a second preface, &c. appeared in 1811. Mr. Bates has made great use of the "*Catholic Theology*" of Richard Baxter in the composition of this work; he has likewise given large extracts from one of the writings of Bishop Stillingfleet, from Mr. Howe, &c.; and in the prefaces will be found some acute and probably original observations on the work of Edwards "*on the Freedom of the Will*," and on some effects of the reformation from Popery. Mr. Bates was deeply impressed with a sense of the mischiefs resulting from combining the doctrine of philosophical necessity with the Christian system; and he has indicated with much sense, moderation, and candour, the evil consequences which are to be apprehended from so rash and unwarrantable a measure. The able refutation of Hobbes, by Bishop Bramhall; the letters of Dr. Sam. Clarke to Leibnitz, Dodwell, &c.; the profound discussions of Anthony Arnauld

and Malebranche; Bishop Butler's dissertation on Necessity, and the remarks on Calvinism which occur in the writings of the late Bishop Horseley, tend powerfully to rectify many of the mistakes, and to allay the heats that have been too frequently connected with inquiries into this subject. These great men really understood what they intended to confute, a qualification which has not always been apparent among the numerous writers that have intruded themselves into this controversy. Some divines, in undertaking a refutation of Calvinism, have not confined their animadversions to the peculiarities of the system of Mr. Calvin, but have extended their polemical discussions to the peculiarities of Christianity itself. This unwary mode of proceeding has defeated the good designs they may have formed in entering upon the controversy, and has given to their opponents the advantage of representing them, either as unqualified disputants, or as equally the antagonists of the doctrines of our own Reformers, and of the fatalism involved in the system of Geneva. The error of confounding principles which have nothing in common, and blending evangelical truth with stoical prejudices in one common censure, is not less reprehensible than lamentable, and contributes to strengthen and confirm the Calvinists in their adherence to the opinions of their teachers, and to afford a plausible ground of triumph to the avowed Antinomians.

To the Editor of the Christian Observer.

THE reprehensions in your work, and elsewhere, on the subject of Baptismal Balls, and Balls in aid of National schools and other charitable and *religious* institutions, have not suppressed, even if they have checked, this incongruous practice. Perhaps the animadversions which have been levelled at it have been

so seriously drawn up, that the offending parties did not feel inclined to stop their mirth to peruse them. I am induced, therefore, to send you a letter, composed in a vein of pleasantry, but containing under a light surface some solid arguments. It was written some time since, by a respectable minister on the Western side of the Atlantic, under the following circumstances. A ball having taken place in his parish, at a season of peculiar seriousness among the young people under his pastoral charge, many of them, from conscientious motives, had declined to attend, though expressly invited. Their absence was attributed, erroneously however, to the influence and interference of their pastor, who in consequence received the following anonymous note.

Sir—Obey the voice of Holy Scripture. Take the following for your text, and contradict it. Show in what consists the evil of that innocent amusement of dancing.—Eccles. iii. 4: "A time to weep, and a time to laugh: a time to mourn, and a time to dance."

*A true Christian, but
no Hypocrite.*

The worthy minister immediately wrote the following reply, which, as the note was anonymous, and without address, remained in his own possession, till he lately communicated it to the *American Christian Spectator*; from which I am permitted to copy it, for the benefit of all cis-Atlantic amateurs of assize, baptismal, and charitable balls.

I am, &c.

A FRIEND TO REALLY INNOCENT
RECREATIONS.

My dear Sir [or Madam,]

Your request that I would preach from Eccles. iii. 4, I cannot comply with at present, since there are some Christian duties more important than dancing, which a part of my people seem disposed to neglect. Whenever I perceive, however, that the duty of dancing is too much neglected, I shall not

fail to raise a warning voice against so dangerous an omission. In the mean time, there are certain difficulties in the text which you commend to my notice, the solution of which I should receive with gratitude from a "True Christian."

My first difficulty respects the *time* for dancing; for, although the text declares that there is a time to dance, yet when that time is, it does not determine. Now this point I wish to ascertain exactly, before I preach upon the subject; for it would be as criminal, I conclude, to dance at the wrong time, as to neglect to dance at the right time. I have been able to satisfy myself, in some particulars, when it is *not* "a time to dance." We shall agree, I presume, that on the Sabbath-day, or at a funeral, or during the prevalence of a pestilence, or the rocking of an earthquake, or the roaring of a thunder-storm, it would be no time to dance. If we were condemned to die, and were waiting in prison the day of execution, this would be no time for dancing; and if our feet stood on a slippery place beside a precipice, we should not dare to dance.

But suppose the very day to be ascertained; is the whole day, or only a part, to be devoted to this amusement? And if a part of the day only, then which part is "the time to dance?" From the notoriously pernicious effects of "*night meetings*," in all ages, both upon morals and health, no one will pretend that the *evening* is the "time to dance;" and perhaps it may be immaterial which portion of the day-light is devoted to that innocent amusement. But allowing the *time* to be ascertained, there is still an obscurity in the text. Is it a *command* to dance, or only a *permission*? Or is it merely a declaration of the fact, that, as men are constituted, there is a time when all the events alluded to in the text do in the providence of God come to pass? If the text be

a command, is it of universal obligation; and must "old men and maidens, young men and children," dance obedience? If a permission, does it imply a permission also to refrain from dancing, if any are disposed? Or, if the text be merely a declaration that there is a time when men do dance, as there is a time when they die, then I might as well be requested to take the first eight verses of the chapter, and show in what consists the evil of those innocent practices of hating, and making war, and killing men, for which, it seems, there is "a time," as well as for dancing.

There is still another difficulty in the text, which just now occurs to me. What *kind* of dancing does the text intend? for it is certainly a matter of no small consequence to a "true Christian," to dance in a scriptural manner, as well as at the scriptural time.

Now, to avoid mistakes on a point of such importance, I have consulted every passage in the Bible which speaks of dancing; the most important of which permit me to submit to your inspection.

Exod. xv. 20: "And Miriam the prophetess, the sister of Aaron, took a timbrel in her hand; and all the women went out after her, with timbrels and with dances." This was on account of the overthrow of the Egyptians in the Red Sea.

Judges xi. 34: The daughter of Jephthah "came out to meet him with timbrels and with dances." This also was on account of a victory over the enemies of Israel.

Judges xxi. 21: The yearly feast in Shiloh, was a feast unto the Lord, in which the daughters of Shiloh went forth in dances. This was done as an act of religious worship.

2 Sam. vi. 14 and 20: "And David danced before the Lord with all his might." But the irreligious Michal "came out to meet David, and said, How glorious was the king of Israel to-day, who un-

covered himself to-day in the eyes of the handmaids of his servants, as one of the vain fellows shamelessly uncovereth himself!" Dancing, it seems, was a sacred rite, and was usually performed by women. At that day, it was perverted from its sacred use by none but "vain fellows," destitute of shame. David vindicates himself from her irony, by saying, "It was before the Lord;" admitting, that had this *not* been the case, her rebuke would have been merited.

1 Sam. xviii. 6. On account of the victory of Saul and David over the Philistines, "the women came out of all the cities of Israel singing and dancing."

Psal. cxlix. 3: "Let them praise his name in the dance."—Psal. xxx. 11: "Thou hast turned for me my mourning into dancing." The deliverance here spoken of was a recovery from sickness, and the dancing an expression of religious gratitude and joy.

Exod. xxii. 19: "As soon as he came nigh unto the camp, he saw the calf and the dancing." From this it appears that dancing was a part also of idol worship.

Jer. xxxi. 4: "Oh virgin of Israel, thou shalt again be adorned with thy tabrets, and go forth in the dances of them that make merry." This passage predicts the return from captivity, and the restoration of the Divine favour, with the consequent expression of religious joy.

Matt. xi. 17: "We have piped unto you, and ye have not danced; we have mourned unto you, and ye have not lamented." That is, neither the judgments nor the mercies of God produce any effect upon this incorrigible generation. They neither mourn when called to mourning by his providence; nor rejoice with the usual tokens of religious joy, when his mercies demand their gratitude.

Luke xv. 25: "Now his elder son was in the field; and as he came, and drew nigh unto the house,

he heard music and dancing." The return of the prodigal was a joyful event, for which the grateful father, according to the usages of the Jewish church, and the exhortation of the Psalmist, "praised the Lord in the dance."

Eccles. iii. 4: "A time to mourn and a time to dance." Since the Jewish church knew nothing of dancing, except as a religious ceremony, or as an expression of gratitude and praise, the text is a declaration, that the providence of God sometimes demands mourning, and sometimes gladness and gratitude.

Matt. xiv. 6: "But when Herod's birth-day was kept, the daughter of Herodius danced before them, and pleased Herod." In this case, dancing was perverted from its original object, to purposes of vanity and ostentation.

Job xxi. 7: "Wherefore do the wicked live, become old, yea, are mighty in power?"—Verse 11: "They send for their little ones, like a flock, and their children dance. They spend their days in wealth, and in a moment go down to the grave. Therefore they say unto God, Depart from us, for we desire not the knowledge of thy ways. What is the Almighty, that we should serve him; and what profit shall we have if we pray unto him?" Their wealth and dancing are assigned as the reason of their saying unto God, "Depart from us," and of their not desiring the knowledge of his ways, or of serving him or praying to him.

From the preceding quotations, it will sufficiently appear—

1. That dancing was a religious act, both of the true and also of idol worship.

2. That it was practised exclusively on joyful occasions, such as national festivals or great victories.

3. That it was performed by maidens only.

4. That it was performed usually in the day time, in the open air, in high-ways, fields, or groves.

5. That men who perverted dancing from a sacred use to purposes of amusement, were deemed infamous.

6. That no instances of dancing are found upon record in the Bible, in which the two sexes united in the exercise, either as an act of worship or amusement.

7. That there is no instance upon record, of social dancing for amusement, except that of the "vain fellows," devoid of shame; of the irreligious families described by Job,

which produced increased impiety, and ended in destruction; and of Herodias, which terminated in the rash vow of Herod, and the murder of John the Baptist.

I congratulate you, sir, on the assured hope which you seem to have attained, that you are a "true Christian," and on the meekness and modesty with which you have been able to express it; and most sincerely do I join with you in the condemnation of all "hypocrites."

I am affectionately yours, &c.

Review of New Publications.

Substance of the Speech of JOSEPH PHILLIMORE, LL. D., in the House of Commons, on Wednesday, March 27th, 1822, on moving for Leave to bring in a Bill to amend the Marriage Act. London: Murray. pp. 80.

An act to amend certain Provisions of the Twenty-sixth of George the Second, for the better preventing of Clandestine Marriages. 22d July, 1822. Anno Tertio Georgii IV. Regis. Cap. LXXV.

THE new Marriage Act, the title of which we have just given, commenced its operation on the 1st of September. That part of it, indeed, which had the effect of repealing the well-known clauses in the statute passed about seventy years ago, had been in operation since July 22d; but the new enactments only then became effective. On the awkward interval which was thus occasioned we purpose to remark presently; but as our readers have been promised an abstract of the provisions of the new statute, we think it may not prove unacceptable to them to give, in addition to this, a brief outline of the nature and policy of our marriage laws; and to state the history, reasons, and provisions of

the old statute, part of which is now no longer in force, that thus they may more clearly see the objects intended to be secured by the new enactments.

In reference to marriage itself, it needs scarcely be remarked, that it is the most important of all the contracts in which mankind can be engaged. The abstract reasoner will tell us that essentially it is neither more nor less than a contract for the participation of certain advantages, to which the joint fulfilment of certain duties is attached. That it is in its origin a contract of natural law, is perfectly clear, for it is the parent, not the child, of civil society. "*Principium urbis, et quasi seminarium reipublicæ,*" (Cic. de Offic. lib. i. c. 17.) It becomes a civil contract, when in civil society its forms are matters of legal regulation, and the fulfilment of its obligations is attended with civil consequences. But we cannot but think that this view, under which the subject is usually presented to us, is a less interesting, sacred, and lofty one than it deserves. Marriage, as we learn from the Scripture, was of *Divine* appointment, and was the last, the noblest, and the best of all the temporal gifts of God to man. Our

forefather was placed in Eden, a paradise of sweets; God had made all nature

"Beauty to his eye,
And music to his ear;"

all the creatures were placed at his control, and his Creator himself came down in the cool of the day to hold converse with him. All seemed perfect. Man complained not, but was thankful. Yet Divine mercy discovered that his habitation was silent, and himself *solitary*. His Creator's voice was again heard, pronouncing, "It is not good for man to be *alone*: I will make him a help meet for him." And the result of this tender regard of God for the good of his creature, was the formation of Eve; "And God brought her to the man, and they two became one flesh."

It is not our intention to enter at large on the beneficial effects resulting from a connexion of this nature. They are abundantly evident in the pleasures of conjugal affection, the incitements to industry, the diminution of the cares of life, and the thousand other solaces which have justified the oft-repeated reference to *domestic happiness*, as the "only bliss of Paradise that has survived the Fall;" and the above observations were only made to endeavour to elevate a little higher the somewhat low definitions usually given of a connexion in itself so important and interesting.*

It is not a little in aid of our remark, that in almost all nations the formation of this contract has been associated with some kind

* One of the most just and attractive views which we have seen taken of this union, is one in the Sermons of a modern *French* writer.

"L'union conjugale est l'union de deux êtres immortels dans les sentiers étroits de la vertu, de la foi, qui donneront le jour à des enfans, cohéritiers du ciel, et se sont chargés de la belle et difficile tâche de les garantir des écueils, de les armer contre les perils, et de former leur âme pour Dieu et pour l'éternité. Qu'elle est grave cette union!" &c.

of religious ceremony. The marriage of Boaz and Ruth, mentioned in the Scriptures, was accompanied by prayers and blessings. (Ruth iv. 2.) The Egyptian marriages were celebrated in the temple of Isis. The Greeks made supplications to express deities who presided over marriage.* The Romans consulted the auspices. The primitive Christians always employed religious ceremonies; and when, in the year 780, this good custom had declined, Charlemagne made a decree enjoining its observance. We see nothing unnatural in this. It is an attempt to add to the force of a sacred obligation by the solemnity of a vow to God. The institution of the canonical hours was another attempt of the Church to stamp its own sacredness on the rite; it was not to be celebrated after meals, but the parties were to be joined by a priest, and *fasting*. Still more natural was it, that, in the views and system of religion which after that period prevailed in Europe, this contract should superadd to its civil a very decisively religious character, and become specially subject to ecclesiastical cognizance. The Church, however, did too much in elevating it to the dignity of a *sacrament*; and the wisdom of the Canon Law (in which, by the way, there is not a little that merits the name of wisdom) is discoverable in distinguishing between the *advantage* and the *necessity* of the sanction of the church. However expedient it was, and still is, for marriage to receive that sanction, the contract may be valid and perfect without it;† and although Pope Innocent the

* Hooker says, "The bond of wedlock hath always been more or less esteemed as a thing religious or sacred. The title which the very Heathens do thereunto oftentimes give, is 'holy' (*τὸ ἅγιον γάμος*); and the rites instituted in the solemnization of marriage the Hebrews term by the name 'Kedushim,' or 'sanctification.'" Eccl. Pol. b. v.

† See Gibson's Codex, tit. 22.

Third had ordained the celebration of marriage in the church, yet it was not till the celebrated Council of Trent, in 1563, that the intervention of a priest was required as of necessity for its validity; and even then, in the absence of the religious solemnity, the marriage was not impeached. Although the Church had prescribed a formulary for the celebration of "holy matrimony," and her censures were denounced against irregular celebrations, yet the law tolerated less public modes of establishing the matrimonial union than those "in facie ecclesiæ;" although, in cases where any circumstances rendered necessary an appeal to the ecclesiastical courts for the fulfilment of the marriage obligations, or the loosening its bond on account of the breach of the nuptial vow, the inconvenience of these irregularities was felt, because the Church could not interfere to protect and enforce a bond which itself had not sealed.

The only interruption of the authority of the Church in this matter, that has taken place in the history of England, is the remarkable one in the days of the usurpation of Cromwell, in 1653. The extraordinary Act which passed in that year, entirely took away the cognizance and celebration of marriage from the hands of the clergy, and vested them in those of the *justices of the peace*: but this was one of the wild dictates of anti-ecclesiastical fury with which that age was replete. The marriages celebrated in this manner were rendered valid by an Act passed in the time of King Charles II. It is not unworthy of notice, that, even with all the ambition displayed at that period to merge the spiritual in the civil part of the contract, there seems to have been a dread of dismissing *all* the sanction which religion affords to its celebration; for, in the words which were framed for use on occasion of these marriages before justices of the peace, an

appeal is directed to be made to "*the Searcher of hearts.*"*

The private modes of contracting marriage, which we have alluded to, were two-fold: either by what was technically called *verba de presenti*, that is, an immediate consent to become husband and wife; or *per verba de futuro*, a promise to become so at an after period. The qualifying age of consent was in the man 14, and the woman 12 years.† We have already remarked, that the contract *per verba de presenti* was by the Canon Law regarded as valid matrimony. Instances have been mentioned, in the reports of the decisions in the ecclesiastical courts, where a second marriage has been annulled on account of the existence of such a pre-contract. The account of it in the Decretals is as follows. "*Si inter virum et mulierem legitimus consensus interveniat de presenti, ita quod unus alterum, mutuo consensu verbis consuetis expresso, recipiat, utroque dicente: Ego te in meam accipio; et Ego te accipio in meum; vel alia verba consensum exprimentia de presenti; sive sit juramentum interpositum sive non:*

* That part of Cromwell's Rubric to which we allude is this. "The man, taking the woman by the hand, shall distinctly pronounce these words; I, A. B., do here, in the presence of God, the Searcher of hearts, take thee, C. D., for my wedded wife; and do also, in the presence of God, and of these witnesses, promise," &c. &c. &c. The woman was to say the same. Two curious provisions are attached to that Act: that in case of *dumb* persons, the words of the contract are to be dispensed with; and in case of persons who have *no hands*, they may join *hands*; (we suppose *arms*;) but so we have seen it printed several times.

† "*Requiritur enim in contrahere volentibus, ætas completa.*" (Lyndwood.)—An attempt was afterwards made to change the age of consent to 16 and 14, but it was not established. The *ætæ* by the French law is 18 and 15. "*L'homme avant dix-huit ans revolut, la femme avant quinze ans revolut, ne peuvent contracter mariage.*"

non liceat alteri ad alia vota transire: quod si fecerit *secundum matrimonium de facto contractum, separari debet, et prima in sua firmitate manere.*"—Decret. lib. iv. tit. 1. cap. 31.

The distinction between this and the contract *per verba de futuro*, was, that in the former the parties deliberately accepted the relation of husband and wife, and were considered as immediately entering on the duties of that relation; whereas the latter was the contract of parties not presumed by law capable of the contract *de presenti* (of the man, from 7 to 14, and of the woman to 12 years of age;) and the promise looked to a time to come; so that the marriage it contemplated might never, in fact, take place. It is abundantly clear, both from law and history, that in more remote periods such early marriages were contracted as in later times were neither attempted nor thought of. They are in all probability to be traced to the selfishness and interested motives of the baronial lords, in whom the feudal laws vested a power over the infant daughters of their tenants. The abolition of the feudal wardships and marriages at the Restoration, which took away these beneficial fruits of the lord's tenure, was an important alteration for the people, and contributed not less to the improvement of morals than to the growth of their liberties. The law which vested so early a power of disposal in marriage, has always been deprecated, and, among other writers, Montesquieu has with his usual *naïveté* satirized its mischiefs: "Cette loi étoit révoltante de deux manières; elle n'avoit aucun égard au tems de la maturité que la nature a donné à l'esprit, ni au tems de la maturité qu'elle a donné au corps." (Lib. xxvi. cap. 3.)

The distinctions of these various contracts, however, were destroyed by a statute passed in the 32d of Henry VIII. cap. 38. This statute recited the fact of marriages

having been annulled by reason of pre-existing contracts, and then enacted that all such marriages should be held to be good, any of such contracts notwithstanding.—

The 2d of Edward VI., however, repealed this, on the ground that it produced "horrible mischiefs, and encouraged persons to break contracts;" stating these things in the preamble in a somewhat declamatory style. Swinburn highly approved of the repeal, and says it was "worthily and in good reason enacted;" but we cannot but agree with Dr. Phillimore, who is, by the way, not a little fortified by the language of Sir W. Scott (now Lord Stowell,) in his celebrated judgment in the case of Dalrymple, that the Marriage Act of Geo. II. (of which we shall say more presently) did well, when it "swept away the whole subject of irregular marriages, together with all the law belonging to them, by establishing the necessity of resorting to a public and regular form, without which the relation of husband and wife could not be contracted."

Before the passing of that Act, various statutes* had been framed with reference to the marriage of priests, the degrees of consanguinity, the crime of bigamy, the marrying a woman child under 16 years of age, and the infliction of penalties on the clergy for the omission of the requisite and accustomed forms; on which it is not necessary to dwell particularly, for, with reference to the more immediate subjects in contemplation in the present Act, the main guides had, until that period, been the *Canons of the Church*, particularly those settled by King James in 1603; and the Act of Geo. II. stands remarkable for being the very first instance which occurs in our annals of any interference on the part of the le-

* See 32d Henry VIII. c. 33; 2d and 3d Edward VI. c. 21; 5th and 6th ditto; 4th and 5th Philip and Mary, c. 8; 6th and 7th William III. c. 6; 7th and 8th ditto, c. 35; 10th Anne, c. 19.

gislature with the general matrimonial law of the land. By the Canon Law, then, which was the basis on which alone these matters rested, the preliminaries for the solemnization of a marriage were, either the publication of banns, or the grant of a license (that is, a faculty or dispensation from the publication of banns) from the proper authority.

With regard to the first of these, the publication of banns,* the ancient constitutions of the church enjoined its ministers, while a marriage was contracting, to inquire of the people, by three public banns, concerning the freedom of the parties from all lawful impediments. (See Gibson's Codex, tit. 22, cap. 6.) The Council of Lateran first instituted, and the Council of Trent more particularly enjoined them. The 62d Canon of 1603 renews this injunction, on pain of three years suspension; but the penalty was not dreaded, and the public announcement was but seldom made.

With regard to the second of these preliminaries, the grant of licenses, the dispensations were formerly of various kinds: sometimes exempting from one, or two, or all, of the publications of banns; and sometimes applying to *time* and *place* only. Thus Gibson quotes a register of Archbishop Arundel, permitting the solemnization of a marriage out of the proper parish, provided the parties obtained the consent of the Rector. The 101st Canon empowered the Bishops to grant these licenses, on condition of their taking a bond of the party, and observing the requirements of the next two canons, in reference to impediments by reason of pre-contracts, affinity, or non-consent of parents or guardians.

It was in consequence of the

* *Banns*, from an ancient Saxon word which signified to *promulgate*, *publish*, or *proclaim*. In barbarous Latin, *bannire* means "to publish."

inefficacy of these regulations, that an act of the legislature became necessary; and that, too, a penal act, armed with sufficient authority to enforce the observance of these wholesome laws. The requirements of the canons were regarded as weak, and were evaded with impunity; and the consequence was an amazing increase of clandestine marriages, to which we shall now have occasion to advert.

Clandestine marriages* were of two kinds: one, where the interference of the church was disregarded; the other, where the church celebrated without the necessary consent. The irregular and clandestine marriages of the first of these classes, although frowned upon by the canon law, yet, if contracted, were ever held to be valid; and in regard to the second class, however much the restrictions imposed by a sense of duty and propriety, and a deference to parental authority, were to be commended, it never was contemplated by the church that contracts, however clandestine, if made between parties who had attained the age of consent, or on attaining that age had ratified a contract previously made, in whatever secrecy, should be regarded otherwise than as perfect and indissoluble, or, as they were termed in popular language, "marriages in the sight of God." The only marriage, once solemnized, that could afterwards be annulled, was an *incestuous* marriage. Even this, however, was not *de facto* void, but only voidable by process in the spiritual court; and the power of procuring sentence was

* A statute of Edward II. had enacted that all marriages should be solemnized "in loco celebri;" but it had fallen into neglect. One of Edward III. also had enjoined the celebration at *due times*, and in the *parish church*, on pain of a year's suspension; and the 17th of Elizabeth declared marriage lawful at all times, excepting Christmas, Easter, and Pentecost, or Whitsuntide: the penalty was enforced in but few instances.

limited to the life of *both* the parties: because, as the contract was made in defiance of the law of God, and the church's power was exercised only for the correction of such an error "*pro salute animarum*," that object was placed by death beyond its reach, and the church could only punish the survivor for the incest: it could not annul the marriage.

On the subject of parental consent, we must not be understood to object to the principle of its requirement, while we disapprove of the fatal results which, by the Marriage Act, we shall see were made to follow the absence of it. It had been a favourite principle in various parts of the world, and in very early ages. By the Roman law, the consent of parents to the marriage of children in *patria potestate*, was considered *indispensable*, so that a contract without it was of no obligation. "*Nuptiæ consistere non possunt, nisi consentiunt omnes, id est, qui coeunt—quorumque in potestate sunt.*" (Dig. lib. xxiii. tit. 2. § 2; Cod. v. tit. 8. § 25.) It appears to have been considered necessary among the Canaanites, from the conduct of Shechem, as mentioned in Gen. xxxiv. 6—8.

The early councils and canons of the Church of Rome strongly upheld the same requirement, though they did not go to the length of nullifying the bond. In the long deliberations which took place in the Council of Trent on many subjects connected with marriage, and among others upon this, although many arguments were urged with considerable earnestness in favour of the doctrine of nullity, it was nevertheless relaxed. Out of two hundred and three Bishops who attended on that occasion, about fifty-eight argued *for* the nullity, but the rest were resolutely against it. The French ambassadors laid a request before the assembly, in the name of their sovereign, that children in the power of their parents might not marry without their consent,

and that if they did, or even betroth themselves, it should be in the power of the parents either to make void the contract or to ratify it, as they pleased.* The council, however, did not assent to the proposal. It went, indeed, so far as to declare that the church did always "*detest*" such marriages: but it anathematized all those who imputed to it an intention of annulling them.

The *Reformatio Legum*, as projected in King Edward's time, was favourable to the principle of nul-

* By the more modern laws of France, the sons cannot marry without the consent of parents till 25 years of age, nor the daughters till 21. In Holland, the sons are at their own disposal at 25, and the daughters at 20. In the French law, the requirement of parental consent has ever been regarded as a favourite principle. Not only was the declaration of the Council of Trent, rendering this consent unnecessary, protested against, but by the *Ordonnance de Blois*, in 1579, it was virtually disavowed, and has been more explicitly repudiated by the subsequent Royal Edicts of that country. The *Code Civile* of France, which was adopted in place of the *ancien regime*, and which substituted the civil magistrate for the ecclesiastical in matters of this kind, thereby decided the previously doubtful question, whether marriage, which before the Revolution was of a mixed character, was in essence a civil contract, or a religious rite, and gave the preference to the former. The forms of the celebration are conducted solely by the municipal officer of the commune. That law, in reference to the parental consent, not only requires it as indispensable until the age of 25 in the sons, and 21 in the daughters, but even after that period, until the age of 30 in the former and 25 in the latter, requires that the parties shall present a formal demand of parental counsel and advice, to be renewed formally every three months, unless the required counsel be afforded, and after the lapse of a month from the last presentation, the marriage may be solemnized in its absence. This shows a strong adherence to the principle manifested at the Council of Trent.

lity; for, to the prohibition of the 100th Canon, it added this sentence: "*Quod si fecerint, tales nuptias, omnino non valere sancimus et ad nihilum recidere.*" (Art. iv. de Matrimonio.) The Church of England, however, did not go so far as to adopt this oppressive penalty, the weight of which falls most heavily on the unoffending offspring; and, consequently, the period that intervened before the passing of the Marriage Act was one of great indulgence, or at least of a toleration that amounted to it, in reference to matrimony. Few or no difficulties lay in the way of the contract. So far as the consent of parents, and guardians was required, the Act introduced a new rule; for although the Canon had enjoined it, yet it was not required *de necessitate*. Desirable in the highest sense it was, from motives of piety and prudence, from filial duty and family convenience; but, legally speaking, it was of imperfect obligation, and is solely the child of civil requirement. The consequence, however, of no penal results *whatever* attaching to the want of parental consent, was the multiplication, in an excessive degree, of secret, irregular, and clandestine marriages.

These clandestine marriages, productive of so much misery to the parties themselves, as well as prejudicial to the peace of families, at length became so prevalent as to compel the attention of the legislature. We learn from the historians of the time, that the sons and daughters of great and opulent families, before they had attained to any maturity of knowledge or experience, were every day seduced in their affections, and enveigled into matrimonial alliances pregnant with infamy and ruin: and these were greatly facilitated by the opportunities that were afforded of an instantaneous union, before the victim of the artifices of the crafty seducer had time to cool or deliberate on the subject. Every tran-

sient and misguided attachment might be sealed with the sacred, but then abused, authority of marriage. For this pernicious purpose there was a band of profligate miscreants, the refuse of the clergy, dead to every sentiment of virtue, and abandoned to all sense of decorum: for the most part prisoners for debt or delinquency, and the very outcast of human society; who hovered about the verge of the Fleet prison to intercept customers—plying like porters for employment—who performed the ceremony of marriage, without license or question, in cellars, garrets, or alehouses, to the scandal of religion and the disgrace of the clerical profession. The ease with which this ecclesiastical sanction was obtained, and the vicious disposition of these wretches, open to the practices of fraud and corruption, were productive of polygamy, indigence, conjugal infidelity, and every curse that could embitter the married state.

It was in consequence of several very gross cases of this kind falling under the observation of the House of Peers, one of which was in the form of an appeal from an inferior tribunal, that the House ordered the Judges to prepare a new bill for the prevention of these abuses; and under the auspices of Lord Hardwicke,* at that time Lord High Chancellor of England, was framed the celebrated statute (26th Geo. II. c. 33) commonly called the Marriage Act. The provisions of this Act, which it is necessary to recite in order to show the bearings of the late enactment, were as follow,—

* Lord Hardwicke's, however, was not the first bill. That which was first prepared was by the Earl of Bath, and was so objectionable that it was abandoned; and even that which became the law we are not to ascribe exclusively to Lord Hardwicke, for the House of Commons made so many alterations, that, though Lord H. let it pass, he foretold the necessity of amending it when its operation should be traced: but unhappily he did not live to amend it.

The preamble having recited the mischiefs and inconveniences which arose from those clandestine marriages, it is enacted, That the banns of an intended marriage shall be published in the church or chapel of the place where the parties dwell, three successive Sundays, in the morning, after the reading of the Second Lesson* (except where no morning service was performed.) If the parties dwell in different parishes, the publication is to be in each; and if in an extra-parochial place, or where no Divine Service is usually celebrated, then in the parish church or chapel adjoining; and the marriage is to be solemnized where the banns were published.—The minister is not *obliged* to publish the banns, unless the parties give in writing their christian and sur-names, the places of their abode, and the time they have dwelt in them, a week before the first publication.—Where the banns have been thus published, the minister shall not incur ecclesiastical censure for solemnizing the marriage, although the parties shall appear to have been under age, and not to have obtained the consent of their parents or guardians; unless he had previous notice of such dissent, and then he is to declare the banns void.—No license shall be granted to marry in any place where one of the parties has not dwelt at least a month, a special license by the Archbishop excepted.—Surrogates are to take the oath of fidelity, and give security in the sum of 100*l*.

* Notwithstanding this Act has been in force for nearly seventy years, the rubric in our Prayer-books enjoining the publication of the banns after the Nicene Creed not having been altered and transferred to its right place by the proper authorities, some clergymen have been led into the error of publishing banns as enjoined by *their* copies of the Prayer-book, and of course illegally, and under the *penalties* of the Act. Some, but not all, the modern Prayer-books correct the rubric, but we know not under what sanction.

—If marriage shall be solemnized in any other place than a church or public chapel without a special license, or in a church or chapel without the publication of banns or a license obtained from the proper authority, the marriage shall be *void*, and the person who solemnized it be deemed guilty of felony, and incur seven years transportation, if prosecuted within three years.—Marriage by license, where either of the parties, not being a widower or widow, is under age, and proper consent has not been obtained, shall be *null and void*.

The Act then defines the requisite consent, and states it to be that of the father of the minor, if living, or, if dead, of a guardian or guardians properly appointed—that is, as judicial decisions have interpreted it, of testamentary guardians appointed by the father's will, or guardians appointed by the Court of Chancery;—or, if there are none such, of the mother, if living and unmarried, or, if otherwise, of guardians to be specially appointed in Chancery for the purpose.—If the consent of a mother or guardian shall be capriciously refused, or if the mother or guardian shall be *non compos mentis*, or beyond sea, the Court of Chancery shall relieve in a summary way.*—If a marriage be once solemnized, whether by banns or license, no evidence as to the correct description of the *residence* of the parties shall be required to support it, nor shall any as to its incorrectness be received to invalidate it.—No suit shall be allowed to compel a celebration of marriage upon pretence of any contract, whether worded

* Most probably the Reformatio Legum furnished this hint. “Quod si parentes vel tutores in providendis nuptiarum conditionibus nimium cessaverint aut in illis proponendis *nimium duri et acerbi extiterint*, ad magistratum ecclesiasticum confugiatur, à quo partes eorum in hujusmodi difficultatibus agi volumus, et ejus æquitate totam causam transigi.” *Fol.* 20.

in the present or future tense.*

—Every marriage is to be before two witnesses besides the minister; and an entry to be made in a book kept for that purpose, expressing whether it was by banns or license; and if by license, and either of the parties be under age, the consent of parent or guardian shall also be entered, to be signed by the minister, the parties, and the witnesses. —False entry, license, or certificate, or destroying register-books, is *felony*, both in principal and accessory, and to be punished with death.—The Act was not to extend to the Royal Family, Quakers, or Jews, nor to affect any marriage in Scotland or beyond the seas.

Such was the substance of this celebrated Act. Little doubt was entertained of its efficacy to prevent the disastrous fruits of clandestinity, but various questions arose respecting the possibility of its occasioning new and greater evils than those which it was intended to remove. In the lower House, particularly, it awakened some animated debates, in which the members appeared to be divided rather according to their real sentiments, than by the rules of any political distinction. Several of the principal servants of government freely differed in opinion from the minister who countenanced the bill; while, on the other hand, many members of the opposition were with him; and the disputes were characterized by an extraordinary eagerness and warmth. The grounds of opposition to the measure were not in general the same, though some few were, which have recently been taken for its repeal. The chief objections were,—That the legislature had assumed a power to which no human tribunal could lay claim, that of dispensing with vows and obligations of the most solemn kind, ratified in the sight of Heaven

—a precedent this, it was said, of the worst kind, as it would tend to render the marriage contract less sacred, even when it had received the sanction of the laws of the land, and had been pronounced politically correct;—That it would discourage the marriages of the poor, among whom marriage, however necessary to political purposes, is generally an imprudent act with respect to themselves; and as by this Act they would be prevented from doing it without great deliberation, many would not do it at all;—That many of the poor it would subject to exceeding inconveniences and very heavy expenses, from the nature of the forms to be observed: and some, such as seamen, soldiers, bargemen, wagoners, &c. if they could not afford a license, could not be married at all, because their residence in any one place a sufficient time was incompatible with their profession; —That it would damp the spirit of affection, since proclamation of banns and public marriages are against the very genius of our people. The young woman cannot, without extreme confusion, suffer it to be proclaimed through the whole parish that she is going to be married; and the man is unwilling to endure for so long beforehand the jeers of his companions. In proof of the aversion to public marriages, the argument appealed to the disproportion between the marriages at Keith's (the clergyman against whom particularly the bill against clandestinity was levelled,

* It is curious to observe, in this objection, how widely the ideas of political economists in those days differed from those of most writers on the subject of population in the present century. Could our ancestors seriously think that a marriage entered into "without deliberation," and confessedly "imprudent" to the parties, could be "politically" beneficial? or that entailing a race of paupers on posterity was the way to strengthen and enrich the country?

* This was the clause we alluded to as having swept away all the irregular contracts of marriage.

and who was afterwards transported,) and at the church of the most populous parish: for, at St. Ann's, the marriages in a year were but fifty, and at Keith's *si thousand!* —The decrease of the population, and the increase of promiscuous connexions, were two other evils predicated as likely to arise from the Act. Some, also, contended that it would promote mercenary matches, to the ruin of domestic happiness and the prejudice of posterity: and that it would impede the circulation of property, by preserving the wealth of the kingdom, like the privileges of the castes in India, among a kind of aristocracy of opulent families, who would always intermarry within their own pale; and throw additional power into the hands of the chancellor. —It was also said, that all remedy, or *locus penitentiæ*, was taken away from an unfortunate female, the victim of a seducer's arts, whose errors might be concealed by a sudden and secret marriage: and that with regard to the declarations of nullity, the contract of marriage was in this respect unlike all other contracts, that its consequences could not be nullified and the parties restored to their original condition. That with regard to persons who might entrap others into connexions of this kind which they knew to be void, it was allowing them to take advantage of their own wrong, whereas the least that could be done was to oblige the party to abide by the contract himself had formed. And, lastly, by this law the innocent only are punished; for the children are declared to be illegitimate, and no penalty is laid on the parent.

These were the chief objections made to the bill. They were met by the advocates for the measure with considerable force. They contended, that the legislature assumed no power to dispense with the moral obligation of solemn vows and engagements, but only determined to what contract it would give the sanc-

tion of marriage for political and civil purposes. It had never been blamed for not legitimating children, the issue of solemn engagements, when the circumstances which had been declared necessary to a marriage were wanting; nor could it be justly censured as assuming more than human authority, when for wise reasons these circumstances were changed. Neither could it, without the utmost absurdity, be pretended, that a law by which solemnity and deliberation are made necessary to marriage, tends to lessen the reverence and awe which are paid to the contract. That the Bill would not prevent marriage among the poor, was evident; for in country places, where there was no Fleet [fleet?] parson, as at Keith's chapel, marriages were as frequent, in proportion to the number of the inhabitants, as in the metropolis. That a seaman's, bargeman's or wagoner's residence, will always be understood to be the parish where he resides on shore, or to which his wagon or barge belongs; and if married by a license, the bride's having resided in any parish, whether he have any such place of residence or not, would be sufficient. It was further answered, that it is of more consequence to society that immorality should be discouraged, by making marriage so public that no unmarried persons can live together as man and wife without infamy, than that a few indiscreet women should be screened from disgrace, especially as the hope of impunity would tend to encourage vice. With regard to the contract of marriage, it was *not dissolved*; but a contract, which before (by a disregard of the laws already subsisting) was *improperly deemed marriage*, was thus declared to be invalid. In the case of a woman of character being deceived into a fraudulent contract, an action was tenable to complete and validate the marriage; besides, that, by the provision made for the publicity of

the law, such a circumstance would be little likely to occur. And, lastly, the objection that the children were punished for the fault of their parent, would be equally applicable to the withholding the benefits of legal marriage from the issue of *any* contract, however private or illegal, and therefore must be considered as suicidal.—*Parliamentary Debates*, 1751-62, vol. iii. p. 176.

The strength and precision of these answers were more than a match for the opposition against which they had to contend. The Attorney-General and Lord Barrington were among those who spoke in favour of the Bill; Mr. Nugent, afterwards Lord Clare, spoke against it. It underwent many alterations and amendments before it became what the above abstract discovers it to be; but at length "it was floated through both houses on the tide of a great majority (116 to 55,) and steered into the safe harbour of royal approbation."

We have been induced to abstract thus largely the arguments for and against this important measure, both as furnishing a very interesting view of the sentiments entertained with respect to it at that period, and also because we think it probable that some of the objections to the present Act are not wholly dissimilar, and may possibly find a satisfactory reply in the answers made on that occasion. There are, indeed, *other* objections, which can find no such reply, and those we shall notice in their proper place: but, before quitting the Act of George the Second, we may just remark the effects which appear, from reference to the periodical journals of that day, to have followed it. These were of two very opposite kinds. It is necessary to observe, that the bill itself passed into a law in the month of September, 1753, but the time of its operation was postponed to the month of March following, in order to give full intimation to all who might be

affected by it; and that during this period it was read five times publicly in the churches and chapels.

In this interval, as we learn from the curious statements of the periodical journalists of the day, a new impetus appeared to be given to the patrons and favourers of clandestinity; and as they saw in prospect the period assigned for the cessation of all the old facilities, they seemed determined vigorously to avail themselves of the intermediate opportunity. From some letters, written at that period, it seems that the public reading of the Act produced so wonderful an effect, that the catalogue of marriages increased to an almost incredible length; and the notorious Mr. Keith became a little reconciled to the hostile measure directed against himself, on finding, as he confessed, that it was a most happy project for supplying him with an independency in a few months, he having in one day, from eight in the morning till eight at night, married *one hundred and seventy-three couples!*

These excesses, however, could not last beyond the appointed period; and the utility of the new law was seen, not in the destruction of marriages, as it was contended would be the case, but in diverting the stream of them from the disgraceful channel into which it had wandered, into the current of credit and authenticity. Within a few months after the new Act came into operation, there were not less than *thirty* weddings, by banns and license, at St. Margaret's Westminster—a far greater number than used to be there celebrated for a *whole year before*; and a like number, in proportion, were said to have been married in all the large parishes in the city.

Dr. Phillimore himself is fully sensible of the worth of those provisions which constituted the real value of the Marriage Act.

"It is valuable," he says, "for its leading and characteristic principle, for the very basis on which it rests;

namely, that no person under the age of twenty-one years should marry without the consent of a parent or guardian. In marriages by banns, the publicity of the notice, it was presumed, would afford ample opportunities to the parent or guardian to express his dissent, if he felt it his duty so to do. But in all marriages by license, this consent was made an imperative provision: and assuredly it is a wise and just provision, that those whom the policy of the law protects in all other contracts, should be protected also in this, the most important of all; the one, too, in which, from the passions incident to youth, the warmth of temperament, and the carelessness of the future, by which that season of life is so peculiarly characterized, they are most likely to be exposed to the allurements of temptation, and to become the victims of artifice and fraud. I am quite convinced that authority, to the extent given by this law, ought to be conferred on parents or guardians, as the best preservative against those misfortunes which so frequently embitter the whole tenor of domestic life, and rend in pieces the dearest ties that unite individuals together in society.

"The Marriage Act is valuable also for having swept away for ever all marriages *per verba de presenti*, and expunged from the matrimonial code the whole law of pre-contracts, which were the scandal and disgrace of the times in which they flourished.

"It is valuable also for the institution of the *registration of marriages*.* These provisions would of themselves be sufficient to entitle the framers of the statute to the gratitude of posterity." Speech, pp. 12—14.

So far as the Act operated in this manner, all was well; and it certainly should not be forgotten, that, when viewed in this light, it was productive of very great benefit: a circumstance which many of the advocates for a reform of our

* The whole credit of this, however, is not due to the Act of Geo. II. The Act of Cromwell, of which we have spoken, foolish as it was for its bigotry, contained nevertheless some good suggestions; and this, of providing "a book of vellum or parchment for the registering of all marriages," was among the number.

CHRIST. OBSERV. No. 249.

marriage law (we allude to those who were desirous of returning to the state of things anterior to it,) seem to have almost totally overlooked. How many were the families whose best hopes might otherwise have been blighted! how many disgraceful and ruinous connexions would otherwise have been irremediably formed! and to how many may this law have yielded a salutary protection! But circumstances arose in the lapse of time, which gave a new character to some of its provisions. It was not at first foreseen that a door was opened by some of its enactments for consequences of a highly injurious nature. It had been, indeed, obscurely intimated, that cases of *seduction* might occur under forms of marriage known to be void in law; but the argument was not followed out to its full application. It was not contemplated, in the case of a marriage solemnized with a minor in the absence of the requisite consent—contracted, nevertheless, with the purest and best intentions;—or in cases where error only, and not design, might have occasioned an incorrect statement of age, or inattention to the subject-matter of the affidavit; that many years subsequently, and perhaps after the birth of a numerous offspring, on the occurrence of some untoward incident by which the evil passions might become excited, or for mere matter of distaste, or, still more, when, elated with prosperity, the partner of adversity was undervalued, a suit might be instituted with success by which the whole connexion should be declared null from the commencement, and all the wretched consequences of illegitimacy be entailed on an innocent and unoffending issue. Such, however, was the fact; and though the unqualified application of the principle of nullity, without limitation of time, discrimination of person, or distinction of purpose or circumstance, was clearly seen to be

grossly unjust, yet the records of our ecclesiastical courts have become blotted with numerous decisions of this painful character. The judges have always approached such cases with regret, and described them as cases in which they were obliged to yield a reluctant obedience to the provisions of the law; for they felt themselves to be acting ministerially; and therefore, however strong their inclination to uphold the marriage, yet they were unable to recede from declaring, what the statute had previously pronounced, that all such marriages were, *ipso facto* and *ab initio*, null and void.

These cases of nullity were of a twofold description. The first was that of the marriage of minors without consent, on which we shall enter more at large; the second was that of marriages solemnized in churches in which banns had not been published prior to the time when the Act took effect, the 25th March, 1754. This latter was a consequence entirely out of the view of the framers of the bill, and was an unsuspected result, from the loose and inaccurate mode in which one of its sections was expressed. No great mischief, however, ultimately followed it; for it has presented a singular anomaly, that, while in the former instance "no obstacle has ever been interposed to the unrestricted scope and operation of the law, in the latter the penalty has scarcely ever been allowed to attach." Some cases, indeed, occurred, in which marriages were celebrated in places verbally, but not intentionally, excluded by the Act; and it was owing to one of these, in 1781, that the matter was brought before the House of Commons by the late Marquis of Hertford, then Lord Beauchamp, who introduced a Bill, which passed both Houses without opposition, for the purpose of legalizing all such marriages, against the force of which the nullity clause was a piece of gross injustice, and the effect of mere inadvertence and neglect. Dr.

Phillimore gives the Marquis's speech on that occasion, from Hansard's Debates, vol. xxii. p. 370. Another Bill, of much the same effect and tendency, was in 1805 introduced by Bishop Horsley, and passed into a law. It legalized certain marriages over which the Act of Lord Beauchamp exercised no control.

To return to the consideration of the first class of instances, the marriage of minors without the requisite consent. Cases of this kind frequently occurred through the medium of perjury; and the application for a judicial declaration of the nullity often proceeded from the perjured party himself. This, of course, greatly aggravated the complexion of the case, and increased the regrets of the Official whose duty it was to allow him the benefit of his own crime; but it was a duty as unavoidable as it was painful, for the statute had not contemplated the evil, and consequently had provided no remedy for it. Dr. Phillimore remarks:

"The fact is, the framers of the Act looked to terror* for the enforcement of their law: it was by dint of this engine, and this alone, they hoped to insure its execution. The machinery has failed in its operation; the effect of the law has been very generally counter-acted and defeated; and, under the shadow of it, an exclusive system of injustice and immorality has been fostered and reared to maturity." "The objections to the statute arise from the sanctions by which it is attempted to be enforced, and the penalties which have been annexed to the violation of its enactments; sanctions holding out such an encouragement to fraud, such a lure to perjury, that they are a disgrace to the Statute Book: penalties so tremendous, breathing such vengeance against posterity, that not only do they operate against the innocent, and allow the guilty not only escape but impunity; but even hold out to guilty pas-

* We are at a loss to know to what the present Act resorts for its enforcement but terror. We know not in what other class to place the transportation and forfeiture which it threatens.

sion the strongest stimulus to the encouragement and commission of crime." Speech, p. 15.

There were some cases, too, of aggravated hardship: cases where, from the length of time, the children by this void contract had grown up, and during their minority had contracted marriage with the consent of their supposed lawful parent, of which a second family had been the result; and where, consequently, all the distresses of nullity and illegitimacy would fall upon a third generation. The evils might, in fact, multiply to an indefinite extent; generation after generation for a series, not of years, but of ages, might be tainted with the original defect of a remote progenitor; the enjoyment of hereditary honours might in a moment be rent away, the "*nati natorum*" amerced of their estates, and "a long line of illustrious ancestry terminated at a single blow."

The mischiefs appeared to be daily increasing: many of the public and of the legislature at length felt that some provision was absolutely and imperatively called for. Accordingly, Dr. Phillimore, a member of the College of Civilians, first, in the session of 1817, introduced into the Lower House of Parliament a Bill, which had for its object the correction of these evils. The bill passed that House, but was afterwards, and once on a subsequent occasion, (in 1819,) thrown out by the House of Lords. But the attempt made in the session which has just closed was more successful, although many efforts were made to neutralize the operation of the bill, and most extensive changes were introduced throughout every part of its provisions.

In the speech which Dr. Phillimore delivered in introducing his bill on this last occasion, and from which we have already quoted, we think a case is fully made out for the strong necessity of the repeal. The reasoning throughout is clear and conclusive, and in many parts

rises into eloquence and dignity. The selection of instances in which the perverse legislation of the Marriage Act has been applied, is perfectly appalling;—cases where the contract had subsisted for seven, ten, eighteen, twenty-four, twenty-five, twenty-seven, and even thirty-eight, years, with an issue of from one to as many as seven or eight children, annulled for such frivolous reasons as a minority of five weeks,* or even of nineteen days—or on account of the will of the father appointing the consenting guardian being attested only by one witness, whereas a Statute passed in the reign of Charles II. requires two witnesses to any will appointing a guardian—the consent of the mother only, supposed to be a widow, her husband having gone to sea ten years before and reported to be dead, but afterwards having re-

* This was the case alluded to by Dr. Phillimore, of Johnson and Parker. In obtaining the license, the man swore that he was of age, though in fact he wanted five weeks of his majority. The marriage was, *at his suit*, declared null, after having subsisted for *twenty-four* years. Dr. Phillimore apprehends, as the proceedings are not precisely within his recollection, that his statement of the date of the sentence may be inaccurate, as the cause stood over for further evidence respecting some fact. The learned Doctor may not perhaps see our remarks; but, if he should, he may not be displeased with the information that we have been furnished with, that his statement is perfectly correct. The cause did stand over, and it was for the purpose of removing an objection taken by one of the counsel on behalf of the lady. The father of the minor, in giving evidence as to the minority of his son, referred, as his ground of belief, to an entry made by himself in his family Bible; and it was contended, that the Bible itself, thus becoming a "*causa scientiæ*," ought to be produced for the inspection of the court. The book being in the possession of the witness, a copy of the entry was not sufficient. The reason, therefore, the conclusion of the cause was rescinded, was for the production of this Bible.

turned—and other causes equally trivial and unimportant.

Another class of persons on whom the honourable member demonstrates the oppressive force of the penalties to have fallen, is that of *illegitimate* minors. An interpretation put upon the statute, in the elaborate judgment of Sir W. Scott in the case of *Homer and Liddiard*, in 1799—the legal soundness of which Dr. Phillimore does not question, although, from the terms he employs, he seems to ascribe it rather to legal subtlety than equitable principle—has rendered these individuals the ill-fated victims of its operation. It seems that parties thus circumstanced, having no where else legally to look for consent, must seek a guardian by the appointment of the court of chancery. For want of this, although marriages may have been had with the perfect concurrence, and to the entire satisfaction, of the natural guardians of the minor—namely, the father and mother—they have been in great numbers declared null, and in all cases *are* so, or at least were till the late Act repealed the obnoxious clause. Dr. Phillimore mentions some cases which were characterized by great hardship. One was that of an illegitimate daughter, whose father died when she was very young, married to a man on whose oath, as *well as that of her mother*, the license was obtained: the mother, too, was present at the marriage, and signed the entry in the register. Here was a perfect consent on all sides; and in the sight of God this marriage was as binding as could be the most formal of all marriages; but it was annulled, *after a lapse of twenty-five years*. Another case is mentioned of an illegitimate daughter married with the consent of *both* her parents, who were also both present at the wedding. Proof being made of the non-consent of any *Chancery* guardian, the marriage was declared null, *thirteen* years afterwards. But there is one still more aggravated case.

“Upwards of twenty years since, a marriage was solemnized between two minors, with the full consent and approbation and in the presence of the *parents of both parties*: four years ago the eldest daughter of that marriage was married, to the great satisfaction and delight, and consequently with the *consent*, of her father. Children have been born from *this* marriage. But subsequently to the solemnization of it, the father of the woman has discovered that he was born before his parents were united in wedlock, an event which hitherto had been studiously concealed: and what is the consequence? not only all his children, but all his *daughter's children*, become, as it were, *ipso facto*, illegitimate, because no guardian appointed in chancery gave consent to either marriage. A nullity has been engrafted on a nullity; and so it might have gone on *ad infinitum*: for if the granddaughter had married with her father's consent, before the flaw had been discovered, her issue would have been equally illegitimate. It is in vain that all this family, in all its branches, concur in an anxious wish that stability should be given to two marriages, solemnly and *bonâ fide* contracted, deficient in no religious ceremonies, and consolidated with reciprocal affection and the birth of numerous issue: it is in vain that the parties themselves, endeared to each other by the strongest ties of natural affection, and deeply impressed with the sacred nature of the bond by which they are united, anxiously and earnestly seek for a process of law by which their marriages can be declared valid: the children and grandchildren must be degraded from the station they have hitherto enjoyed in society, and only be considered in law as the offspring of a meretricious connexion.” Speech, pp. 63, 64.

This is certainly strong ground to take for the operation of the retrospective clause; its remedial effects would be of infinite value in such a case. Before, however, we furnish the promised outline of the new regulations, we would travel back to a former passage in Dr. Phillimore's speech, in which he states, that, so far are the cases he mentions from being few and extraordinary, not less than *sixty* of these nullities have been pro-

nounced in the courts at Doctors' Commons alone since the year 1810: and when to these are added the amount of those cases in which the consistorial and all other ecclesiastical courts in the country, as well as the courts of common law, (incidentally,) detect and declare these nullities, as also the fact that many are never brought into any court, (for it has been repeatedly held that a sentence is not necessary to establish the illegality,) no further evidence is wanting to justify the call for legislative interference.

In these circumstances, then, the new Marriage Act has had its origin. The present indeed is not the only, although it is the only *successful*, attempt that has been made to effect a revision of the Statute of George II. The inconveniences of that Act have often been urged on the attention of Parliament. Not many years after it passed, the Duke of Bedford, who was then in administration, made a very energetic speech on the necessity of revising the marriage laws, and on the subject of this Act in particular. He described it as highly impolitic, injurious, and mischievous; a law that ought never to have been made, and ought immediately to be repealed. There was a majority of but one single vote against his motion; and if he had continued in office, most probably his object would have been subsequently accomplished. Mr. Fox, when about five-and-thirty years of age, made a very eloquent and animated, but a very mischievous speech, in favour of its repeal. The measure was lost; at which we cannot be surprised, when the arguments of those who supported and urged it were full of such dangerous sophistries as that "*passion, not reason, was the best capable of providing for our happiness in wedlock.*" (See Speech of Mr. Fox in Parliam. Debates.)

We proceed now to give an abstract of the provisions of the new Act.

§. 1. It begins by reciting the eleventh section of the Act of George II. which required the consent of parents or guardians to the marriage of minors, and visited with the consequences of nullity all marriages solemnized without it; and then, with an inadvertence which cannot but be lamented, not only on account of the inconveniences occasioned by it, but also from the appearance of inattention which it betrays, it repeals *forthwith*, not so much only of the obnoxious provision as related to the invalidating of the marriage, but the *whole of the recited clause*. We shall have occasion to remark on this further presently.

§. 2. It then enacts, that marriages which have been solemnized by license without the consent required by the Act of Geo. II. (but where the parties have continued to live together till the death of one of them, or till the passing of the Act, or shall have separated only for the purpose or during the pending of any proceedings relating to the marriage) shall be deemed valid, if not invalid on other grounds.

As far as the 7th clause, the Act is retrospective in its tendency.

§§. 3 & 4. Those cases are excepted in which sentences of nullity have been pronounced by the proper authorities, or in which subsequent marriages have been celebrated, as also where the invalidity has been established on any trial.

§. 5. Those cases also are excepted in which validity of marriage or legitimacy of issue has been brought into question, and evidence adduced on which any orders or decrees of court have been made.

§. 6. The possession of property and honours by other persons, in consequence of invalidity of marriage, although no sentence of nullity has been pronounced,

shall not be disturbed by the Act.

- §. 7. No proceedings under authority of any court, administration of property, execution of wills, or performance of trust, is to be affected by the Act.

The 8th to the 15th sections contain new regulations for the granting of licenses.

- §. 8. Enacts that no license is to be granted after the 1st of September, by the competent authorities, till the oath required by the Act has been made by the persons mentioned in it.—

And here, from the loose wording, one provision of the Act, if literally abided by, would involve the parties in perjury.—

The Act states, that if the license is for persons both *or either* of whom shall be of the age of 21 years, they are to make oath, respectively, that they are respectively, and that *each believes the other* to be, of the full age, &c. If both are under age, but a widower and widow, each is to make oath accordingly as to himself or herself, and reciprocally as to their belief with respect to each other. If one of the parties is of age, and the other under, and a widower or widow, both are to make oath accordingly, as to themselves, and their belief, &c. If both are or either is under age, and not a widower or widow, both are to make oath, &c. as before; but in this case they are both to swear likewise that the *consent required by law* to the marriage has been given, and signified in the manner required by the Act. If both are or either is of age, the license is not to be granted till an extract is produced from the register of baptism of the parties stated to be of age, (if it is in England, and can be found.) These extracts are to be proved upon oath by some other person to be true, and to relate to the parties in question,

(at least to the belief of the party swearing.) If the register is not in England, or cannot be found, the fact must be proved *to the satisfaction of the person granting the license*: and an affidavit as to age must be made by some person who has good grounds to know or believe the fact: and each party is to make the usual oath as to the four weeks' residence; the case of special licenses excepted.

- §. 9. Enacts that the consent of the persons required by law to the marriage of a minor, not being a widower or a widow, shall be signified in writing duly signed, and be attested by two or more witnesses. The consent shall describe the parties giving it, whether as lawful parents or guardians. It is to be delivered to the person granting the license, with an affidavit of one of the subscribing witnesses to the signature, stating that he saw the party, and also the other attesting witnesses, sign and subscribe it: and some person, not being one of the parties to be married, must make oath that he well knows all the parties; that the consenting party is what he is described to be, and has authority to give such consent.

- §. 10. All the oaths are to be taken before a surrogate of the person granting the license; and if false, the offending parties are to be deemed guilty of *wilful and corrupt perjury*, and punished accordingly. Fabricating any of the instruments, is made *felony*, and is to be followed by *transportation for life*: and if one of the contracting parties be thus guilty, he is to forfeit to the King all benefit and advantage to be derived from such marriage, to be disposed of by his Majesty as he shall deem fit.

- §. 11. The oaths and instruments are to be preserved, together

with a copy of the license, and to be transmitted within ten days to the proper registry, and calendered for public inspection.

§. 12. The licenses are to state the facts on which they have been granted, and the proof adduced of them.

§. 13. The officer who grants the license, and fails to observe the provisions of the Act, is to be deemed guilty of a *misdemeanor*, and punished accordingly.

§. 14. The right of granting licenses is confined to the Archbishops of Canterbury and York, and the several Bishops in their respective dioceses. One of the parties must be resident at the time in the diocese in which the license is granted.

§. 15. Marriages, when solemnized, are not to be impeached on the ground of informality.

The 16th to the 19th section respect the publication of banns.

§. 16. Enacts, that before the publication of banns, pursuant to the provisions of the Act of George II. an *affidavit* in writing* shall be delivered to the minister, sworn before him, or before a justice of peace, by the parties themselves, stating truly their christian and surnames, the houses of their abode, and the time they have occupied the same, and whether as lodgers or otherwise; and also stating whether they are respectively of age, or otherwise. If the affidavit is found to be false, it is to be deemed wilful and corrupt perjury, and pains and penalties are to be inflicted, together with a forfeiture of all benefit and advantage expected from the marriage.

§. 17. Banns are not to be pub-

* Formerly it was a *notice* in writing; now it is an *affidavit*; and what the old Act only made *optional* with the minister to require, is now rendered indispensable.

lished till "the true christian and sur-names of the parties, and the houses of their abodes," have been affixed on the principal door of the church, and in some conspicuous place therein: to remain until the expiration of the three Sundays of the publication of banns.

§. 18. The affidavits are to be deposited by the churchwardens in a chest provided for that purpose, and kept in the church.

§. 19. After solemnization of marriage by banns, it is not necessary to prove the contents of the affidavit, or its formality. No marriage is to be avoided by reason of any defect in it, or for the true names not having been used in the publication, or affixed as before mentioned: proof of the identity of the parties, and the fact of their marriage, is to be deemed sufficient.

§§. 20 & 22. The publication of banns, and licenses also, are only to remain efficient for three months. If the marriage is not solemnized within that period, a new license must be granted, or a republication of banns take place.*

§. 21. The Act is not to operate till 1st of September, 1822.

§§. 23 & 24. It is not to extend to the Royal Family, or Jews or Quakers.†

Doubts were entertained as to the duty of the parochial minister to celebrate marriages after the 1st of September, where the whole of the publications, or some of them,

* A limitation of this kind is observable in the Code Civile of France, to which we have before alluded, but the time is there a year. "Si le mariage n'a pas été célébré dans l'année, à compter de l'expiration du délai des publications, il ne pourra plus être célébré qu'après que de nouvelles publications auront été faites dans la forme ci-dessus prescrite." Tit. ii. c. 3, 565.

† The case of one of the parties being of this description is unprovided for.

or the grant of a license, had been made previously under the old but then existing law; and conflicting opinions were delivered—some contending that he was warranted in considering such banns and licenses as good and valid for the purposes of the new law; and others deeming a republication, or new grant of license, absolutely necessary. However, it is now, we believe, pretty generally known, that all such publications and licenses were good *pro tanto*, as far as they went, and the minister might safely proceed to solemnize the rite, or complete the unfinished publication by banns after the new fashion. The limited period of three months was, however, considered to apply, and the licenses and banns must therefore have been *recenti facto*.

§. 25. The Act is to be read in the churches and chapels on some Sunday in October, November, and December next;* and on the 25th of March, 24th of June, and 29th of September following.

§. 26. The Act to extend only to England.†

Such are the provisions of an Act framed originally simply with the view of preventing the operation of what is termed the nullity clause of the Act of George II. under the gross circumstances of fraud and perjury, and the painful circumstances of illegitimacy, which we have already noticed. Comparatively but a few lines of legislation might have been sufficient for this purpose; but the proceeding has led to an alteration of wide extent in our marriage regulations, the merits of which must be ascertained by the experience of time. Of the original Bill, as introduced into the Lower House,

* This certainly will not be in time to prevent many irregularities which may occur in the interim. The first time of reading was to be not till a month after the Act had taken complete effect.

† This is held, however, to include Wales and Berwick-on-Tweed.

not a trace remains, except the preamble and the concluding clauses. With these exceptions, the eight pages of its legislative enactments have been entirely the offspring of the Upper House. It may, perhaps, interest our readers for us briefly to notice the outline of the Bill, as originally proposed by Dr. Phillimore in the House of Commons, before we proceed to remark more fully on the law as it now stands.

The preamble, then, and first section of the Act, as proposed by Dr. Phillimore, were the same with those which have now passed into a law. The second section proposed to allow a power of annulling the marriages of minors without consent under certain cases, and not to remove it altogether; only limiting it, however, to the institution of suits for that purpose by the unconsenting parent or guardian during the minority of the party. The bill further proposed, that the marriages of minors without consent, if the parties had since attained the age of 21 years and still lived together, should be considered valid. A space of time (not then fixed, but afterwards settled at six months,) was to be allowed, within which they might institute suits of nullity; and cases of pending proceedings were to be excepted.

The object of these provisions evidently was, by limiting the power of promoting suits for nullity to parents and guardians during the period of their control over the minor, and by affording a short period (a sort of *locus pœnitentiæ*) to the minor himself, on the one hand, to modify the retrospective effect of giving instant validity to marriages declared to be null and void by the hitherto existing law; and on the other, to prevent parties from turning round at an indefinite period of time to disavow acts and solemn engagements of their own, rendered still more solemn, both morally and equitably, by long union.

We are not, however, sorry, that these provisions did not pass into a law, because we think most injurious inquiries would have been stimulated, and set on foot, in respect to the validity of contracts which might otherwise have passed *sub silentio*, and left the parties in the full and undisturbed possession of all the comforts of a legitimacy which was their natural right. It would have tempted efforts of nullity that might otherwise never have been, and will not now be, thought of. It is due to the honourable framer of the bill to state, that in the measure which he introduced to the consideration of the House in 1817 there was no such permission, and in his speech he mentioned that it was with extreme reluctance he opened the door to the institution of suits of this description, and allowed any interval between the contract and its validity. The evil of the old Act was at no period curable; no subsequent act of recognition, no cohabitation after majority, no tract of time* (to speak technically,) could remedy the defect.

Another suggestion was, that on account of the injurious consequences of the publication of banns, for the clandestine marriages of minors, in parishes entirely unconnected with the actual residence of the parties—by which the real object of the Act, notoriety, was completely defeated—all such publications and marriages should be liable to avoidance by the institution of a suit on the part of the parent or guardian during the minority, in the same way as by license. Indeed, one prominent object of the new bill, is the assimilating as nearly as possible the cases of banns and license. The inequality of the

two under the former statute is well exposed by Dr. Phillimore.

"In directing our attention to this part of the subject, we must be instantly struck by the anomaly and inconsistency of the law. The same act which fulminates such terrible denunciations against those who contravene its provisions, and inflicts such inexpiable penalties on their unborn issue, with respect to marriages by license, literally affords no protection whatsoever to a minor who may be unwarily entrapped into the worst possible description of marriages under a publication of banns. In the one instance, the marriage can never be legalized; in the other, it never can be called in question. With the view of preventing clandestine marriages, the statute enjoins that banns shall be published in the church of the parish within which the parties reside: but, by a subsequent clause, it forbids any inquiry as to the residence of the parties after a marriage has taken place. The consequence has been, that the enactment on this head has become, as it were, *felo dese*, and banns have of late years furnished the most effectual cover for evasion, deceit, and fraud that the ingenuity of man could have devised." Speech, p. 67.

We may remark here, by the way, that no very effectual preventive has been introduced against this evil. Marriages, by the new Act, are declared valid, although the *true names* have not been employed. Where, then, is the use of publication? Is not its very essence destroyed? Is the publication of banns for the marriage of the minor *Titia*, likely to be forbidden by the unconsenting parents or guardians of *Sempronia*? This is a cruelty to a parent or guardian, over which he has no control. We apprehend, too, that neither a *false description*, nor an *incorrect residence*, would vitiate the marriage, any more than false names of parties. How is it possible then, in populous parishes, to prevent clandestine marriages? And we may ask, whether "banns will not still" (to use the language of the learned Doctor, who laments the evil "in late years,") "furnish the most effectual

* *Tractu temporis non convalescunt.* This was subversive of the fundamental law of prescription, the best basis of possession. It exceeded, too, the law of inheritance: a period of 60 years arrests all molestation in property, but this provision had no limit.

cover for evasion, deceit, and fraud, that the ingenuity of man could devise?"

Instead of the affidavit as to residence, &c. now required to be delivered to the minister, a notice in writing was to be deemed sufficient: the *fixtures* on the church door, &c. were required, and are retained. The parents or guardians, who were to have power given them to institute suits of nullity, were empowered to proceed in the absence of the offending party, if he had absconded, upon the service of the usual process. The concluding provisions, as to the limited durability of the license and banns, and the application of the Bill to England only, were the same as in the present Act: the exception as to Jews and Quakers did not appear.

We have noticed the similarity of a provision in the matrimonial law of France, in reference to the republications; but there are various other coincidences, which almost induce us to think that the framers of the new Act had recourse to that law, and have imported from it several of the new provisions. In respect to the period which is allowed for the impugning of a marriage, the law of France says, "*Le mariage contracté par des époux qui n'avoient point encore l'âge requis, ou dont l'un des deux n'avoit point atteint cet âge, ne peut plus être attaqué, lorsqu'il s'est écoulé six mois*" (the very period suggested as above) "*depuis que cet époux, ou que les époux ont atteint l'âge compétent.*" And again: "*Lorsqu'il y a un erreur dans la personne le mariage ne peut être attaqué, que par celui des deux époux qui a été induit en erreur.*" Other provisions, again, limit the power of impeaching the validity to the persons whose consent was not obtained. (See cap. iv. §. 180, 2, 5, &c.)—Another similarity is the provision with respect to the names being affixed on the church doors, &c. The French code provides that "*un extrait de l'acte de publication*

sera et restera affiché à la porte de la maison commune pendant les huit jours d'intervalle de l'une à l'autre publication." This mode of publication might, however, naturally occur to the framers of the Act, without reference to the French code, from our own too common practice of affixing various lists and notices to the church doors.

In remarking now on the various sections of the modern law, we shall not observe any particular order, but point them out as they severally occur to us.

We know not if it was the intention of the legislature to make the alteration, but the new Act certainly deprives all the inferior ecclesiastical authorities, such as deans and chapters, and archdeacons, &c. of privileges immemorially enjoyed by them, and destroys their jurisdictions in reference to the grant of licenses, by confining that power to the archbishops and bishops, and vesting it in their authority exclusively. The propriety of this restriction we do not dispute: indeed, it might have been as well to have crippled these minor provincials entirely, and taken from them the power of granting probates of wills and letters of administration, from the abuse of which power great evils often arise. But the restriction will certainly occasion no little inconvenience in a variety of cases. We have heard, indeed, that it is in the contemplation of some members of the legislature to attempt an entire abolition of marriage licenses: if so, this is but a preliminary step to it: but it is a measure which we sincerely hope will not be resorted to, not only on account of its opposition to the temper of English people, but on account of the excessive difficulties that will be thrown thereby in the way of marriage—difficulties which, in some cases, we venture to predict, will be found nearly insurmountable. The impediments at present are sufficiently great. But with regard to

the privation of this privilege, so long enjoyed by the inferior jurisdictions, no intimation was given to them of it; and, consequently, in the interval between the "passing" (not the operation) of this Act, and the inferior jurisdictions becoming acquainted with its restrictions, many licenses have been granted by them, and many marriages solemnized. All these are put to hazard, till a new Act shall be passed to validate them.

We regret to find the Act replete with marks of inattention and neglect. One gross blunder, directing the names and *houses* of the parties to be fixed on the church door, or some conspicuous part of the church, was pointed out in the progress of the bill by the Solicitor-General, but was not corrected. We might only in addition ask, who is the person required to make these fixtures, and who would be punishable for the neglect? The Act mentions no person. If the provision had been adopted in order to *supersede* the present inconvenient custom of publishing the banns in the midst of Divine service, the motive would have been commendable: but the affixing is *in addition to* the publication.

The eighth section appears to lose sight of the primary intention of the Bill, in reference to the production of the certificates of baptism on the grant of licenses for the marriage of minors. In the case of persons above twenty-one years of age, even of widowers and widows, a baptismal certificate is necessary, (however old the parties may be:) so that a venerable couple, desirous, not of sharing together the joys of youth, but of mutually smoothing the cares of age, can be admitted to the altar only by the production of entries from their baptismal registers, be their native villages as obscure and distant as they may, and the registers themselves perhaps carelessly kept; while, at the same time, the marriage of a widowed *minor* is clogged by no

such impediment, for *no certificate is required*.

In reference to the production of baptismal registers, it was apprehended that considerable inconvenience would be entailed upon a class of the community whose religious tenets induce them to postpone their performance of the rite of baptism till a later period in life; and some indeed never perform it at all. It was asked, how the requirements of the Act are to be complied with in these cases? and although the question is evidently open to the reply, that the Act cannot mean to require impossibilities, and the eighth section exempts the cases of persons whose baptismal entries *cannot be found*; yet, although that might apply to the case of the religious community in question, it is not clear what would be held *sufficient proof* that such registers could not be found, or what extent of search must be made for them. Again: the threats contained in the Act against perjury are pretty strong; and yet some part of its enactments cannot be complied with, unless the parties do contract the guilt of it: for the eighth section, as above remarked, enacts, that "if a license is required for the marriage of persons, both, *or either*, of whom shall be above twenty-one, they shall respectively make oath that they are, and each believes the other to be, of the *full age* of twenty-one years." In practice, where one party is above, and the other under age, the oath will no doubt be modified accordingly, under the reasonable presumption that this is what the clause *meant*, but it certainly is not what the clause itself *says*.

Again: in the case of banns, the required affidavit as to residence, age, &c. is to be made before the *minister* or a justice of peace. No power, however, is given to the clergyman to administer an oath, which he did not before possess, unless he united in himself the two,

not always homogeneous, characters of clergyman and justice.—We know, indeed, that wherever an Act *directs*, it also *empowers*; but the Act here does not direct *the clergyman* but *the parties*. At all events, how much preferable would it be to avoid the ambiguity, by the introduction of a short parenthesis, which would have cured the defect. The clergy certainly are not *compellable* by the Act to administer the oath, though in most cases, we presume, they will do it. It may be extremely painful to a young woman, or even to a man of delicacy, to encounter the remarks and publicity of a magistrate's office on such an occasion.

Onerous duties are imposed by the Act on the parochial ministers, particularly those empowered by the Bishop to act as surrogates; and all their care and vigilance must be exercised, lest they expose themselves to the penal consequences denounced against informalities. The new affidavits, the entries, the individuality of parties, and the republication, demand the closest attention. We conclude, however, that the parties concerned will be allowed to indemnify themselves for their trouble, by corresponding fees.

The Act is grossly deficient in not furnishing an outline of the necessary affidavits in all contemplated cases. Forms have been drawn up by individuals. We give one of these forms in a note.*

*On the — day of —, appeared personally *A. B. of the parish [or chapelry, or extra-parochial place of —, adjoining the parish or chapelry] of —, in the county of —, Gentleman*, (or as the case may be) *Bachelor [or Widower]*, and *C. D., of the parish [or as above] of —, in the county of —, Spinster [or Widow]*, intending to intermarry. And the said *A. B.* made oath, that his true Christian name is *A.*, and that his true surname is *B.*, and that he knoweth of no lawful impediment by reason of any former marriage, consanguinity, affinity, or any other lawful means whatsoever, to hinder the said

But by far the most inconvenient of the oversights in the Act, is one which is found in what constitutes its most prominent feature, *the marriage of minors without consent*. That part of the old Act which is the subject of animadversion in the new, while it made consent necessary, *defined what consent* it was that was required. We have already remarked, that it was, first, of the father—then of the guardian appointed in his will—then the mother, *if a widow*—and then the Chancery guardian. It is not necessary to comment on the wisdom or equity of this gradation. By the new Act we have seen that this provision was repealed: repealed instantly: both the necessity and the definition of consent, as mentioned in the old Act, were swept away together, (though the substitute did not take effect till two

intended marriage, and prayed a publication of banns in the church [or chapel] of —, in order to the solemnization thereof in the said church [or chapel.] And the said *C. D.* made oath, that her true Christian name is *C.*, and her true surname is *D.*: and both the parties made oath that—house [or No. — in — street, or — cottage at —] within the said [parish or chapelry] or extra-parochial place of —, adjoining to the parish [or chapelry] of —, has been the abode of the said *A. B.* or *C. D.* for — days [or weeks] as occupier thereof [or as lodger therein;] and that the said *A. B.* and *C. D.* have attained the age of twenty-one years, [or if the parties are under that age, "that the said *A. B.* and *C. D.* are under the age of twenty-one years," or if one of them only is under that age, "that *A. B.* (or *C. D.*, as the case may be) is under the age of twenty-one years."]

(Signed) *A. B.*
C. D.

"Sworn before the *Rev. E. F., Clerk [or one of his Majesty's Justices of Peace for the County of —]* or [as the case may be] this — day of — in the year of our Lord 18 ."

The above affidavit, if taken before a clergyman, should be written upon a half-crown stamp.

months afterwards.) In this interval, it was asked, how were the marriages of minors by license to be celebrated? By what consent? Necessarily, by the law as it stood prior to 1753. And what was the state of the law prior to 1753? The canons of 1603 were then the regulators of marriage, for there was no *statute* requiring consent: and by the 100th of these canons, to the marriage of a minor the consent of "*parents or guardians*" was made necessary—of parents or guardians, that is, of *both* "*parents, &c.*" and so it was ruled. Applications for license by minors, with the consent of the father only, were *refused*: for the explanation of the loose language of the canon was no longer in force. And now this interval is past, how does the case stand? Precisely the same, for the dilemma was not seen: the 9th section proceeds evidently upon the presumption that only the invalidating clause, and not that of the consent, was repealed: it speaks of the affidavit of the *person*, or persons, whose consent is required by *law*, &c. By what law? The canon law, and that only, must be the answer. This is a return indeed to the obscurity of ancient days, and a restoration of its inconveniences. It does not require much ingenuity to conceive of cases where the father may be desirous of the marriage of his child, and the union be of a highly advantageous character, but the other parent, from some insufficient cause or other, may withhold her consent; and yet no marriage can now take place without it.* The consent of the mother too, where the father is dead, is even to be preferred to that of a testamentary guardian appointed by the father's will; and that even although she may have married again: and thus the beneficial interpretation of the requisite consent

given by the late statute, which prevented the undue influence arising from such a preference, is totally lost. It surely was not in the contemplation of the legislature to return to so indefinite, confused, and often inequitable a requirement as this. But what would have been the case, if by any chance (which was as likely as not to have happened the statute of Geo. II. had expressly *repealed the canon requiring consent*, and substituted its own enactment in the place of it? Why, the effect would have been, that in consequence of the first section of the new Act repealing the provision of Geo. II., the rights of parents and guardians would have been *all abandoned*, or at least have suffered an interregnum till the next session, and the marriages of minors have taken place with the *most pernicious and unrestrained liberty*, without any consent at all, and without any fear of nullity whatsoever.

Against the retrospective clause in the Act, strong objections were entertained. It was argued, that the effect of the two Acts would present an anomaly in legislation. The first declared certain contracts, not *voidable*, but *ipso facto void*. In some of these contracts a sentence had been passed, which sentence did not *make* them nullities, but only declared that they *were* so. In others, no such sentences had passed; the contracts being, however, not a whit the better on that account. Now the new Act steps in and repeals the old, and by the retrospective clause says, Some of these nullities shall be valid contracts, others shall be nullities still. This, it was said, was blowing hot and cold with the same breath. This reasoning we do not defend. In the first place, it is perfectly competent to a legislature to alter its provisions, and to establish at one time what it unsettled before. Suppose, for instance, it could be proved, to the satisfaction of government, that it had no right to punish forgery with death;

* The code of France has provided against this expressly. "En cas de dissentement le consentement du père suffit." —Tit. v. cap. i. §. 148.

and that it should, in consequence, come to the determination to amend the penal laws against that crime; would it be a fair obstruction to that intention to urge that the former Acts of the legislature had regarded it as a capital offence, and that many persons had suffered for it as such? These individuals could not be restored to life; but a *locus penitentie* ought not to be denied—it ought, indeed, so much the more readily to be yielded—to the legislature. The contrary would be visiting an error in legislation with more serious condemnation than the most arbitrary of capital punishments,—the condemnation of pursuing for ever a misguided, or cruel, or criminal path. But, independently of these considerations, we do not see how the Act could have been otherwise framed: the retrospective clause was the point desired in reference to the increasing evils of the old Act, and the exception in favour of the cases where sentence had been directly or incidentally given, was really necessary; for upon these sentences, or on incidental proofs of the fact elicited in the investigation of other matters connected with it, new relations had been formed, transfers of property had been made, and various other acts done, which could not be disturbed without the creation of alarming evils. We think, therefore, that a case was fully made out to authorize that part of the Act which has excited so much remark.

In the penal part of the statute (which, like all other penal statutes, we suppose is to be construed strictly,) we have to regret a want of explicitness, and, at the same time, a somewhat ill-apportioned severity. Suppose the case of a profligate man, with ingenuity and hardihood enough to overleap all the barriers (we admit they are high and formidable) which the statute has heaped in his way, and to succeed in inveigling a young woman of fortune into a marriage: what is the consequence to *her*? The parents and

connexions are not relieved by the operation of the Act in this case. To the man, indeed, the penalty is transportation for life, and a forfeiture of all benefit and advantage anticipated from the marriage—but to whom? Does the property revert to the family of the woman, or to herself? No: but to the King's Majesty. And what is to become of *her*? (for we presume, that although the society of the wife is certainly one "*benefit and advantage*" of marriage, it never was intended by the legislature to forfeit *that* to the sovereign.) She is the unalienable wife of the exile. Is she to follow her husband? Whether she does or not, she loses her fortune, and all hope of honourable marriage. She is doomed to pass through life as the wife of a convict, and none of her friends can relieve her. We hardly can suppose a frequency of such cases, with so few inducements in the way: but we are not prepared to say to what foolish excesses the passions of men may not lead, when all the terrors of the nullity clause in the old Act, of which so much was said, were repeatedly braved.* This is taking the opposite extreme. The former Act let the parties loose: this will never loose their bond, though it separates them as widely as the opposite points of the compass. The experiment is new, and must be tried. Wits may, perhaps, apply to the provision the Hudibrastic lines, and call it

"A law that most unjustly yokes
All Johns of Stiles to Joans of Noakes,
Without distinction of degree,
Condition, age, or quality;
Admits no power of revocation,
Nor valuable consideration,
Nor writ of error, nor reverse
Of judgment past, for better or worse."

But still its chief principle is good:

* Oaths were the only security before, and they are so still. They were found then wholly insufficient; will they be completely adequate now?

it will tend to invest the marriage tie with increased sacredness, or, at least, it will teach men to regard it as too dangerous to be made a plaything. The somewhat strange enactment, that the property shall be forfeited to the King, seems to have been intended to make it the *interest* of families not to disturb *de facto* marriages, even though commenced in perjury. The perjured husband runs little risk of prosecution by the woman's relations, (at least after their first emotions of anger have subsided,) since nothing is to be gained, and every thing must be lost, by proving him guilty.

A great variety of other deficiencies and inaccuracies have occurred to us, but they are too technical to find their way into our pages. They *may* be trifles, sed "*hæ nugæ seria ducunt in mala.*"

Independently, however, of the minor objections that we entertain against the new Act, we cannot but avow two, that we think are of more than ordinary weight. The first is, the *multiplication of oaths* which it will occasion. Already is our statute-book grievously open to this objection. For purposes the most trivial, for offices the most ordinary, an oath is indispensable. A pound of tea cannot find its way to the consumer, without passing where *oaths no less than seven* have been administered. Now, unquestionably, if the sanction of an oath is justifiably required any where, it is in the article of marriage; but still we think the number far too great. A common marriage by banns now requires *two oaths*; that by license, *three at the least*, in some instances *four or five*: and we can foresee cases where not less than *six oaths* will be necessary before a license can be obtained, besides the inconvenience, the difficulty, and the delay, which all this will occasion. In all cases, *both* parties, the lady as well as the gentleman, are to make the affidavit. Surely this

increase of oaths is not likely to revive "that reverential feeling for the sacred obligations of an oath, which its hackneyed repetition, in compliance with the incessant demands of the statute-book, has nearly extinguished."—Our second objection is to the *impediments that are thrown by the new Act in the way of honourable marriage*. The evils of irregular connexions are undoubtedly great, and it is right to resist and punish them; but it has ever been regarded as most impolitic for a legislature to throw difficulties in the way of marriage. One of the most extensive maxims of English law is, that "*matrimonium debet esse liberum*;" and if at any time doubts arise on the construction of statutes which are in their tendency restrictive of natural rights, those doubts always receive an interpretation in favour of liberty and moral happiness; any other rule would be the sure way to occasion irregular and promiscuous connexions. The page of history records the award of *actual premiums* on regular marriages, as if a stimulus and encouragement to form an authorized connexion were regarded as the best mode of diminishing such as are unauthorized. The Jewish year of rest from the wars, permitted to the man who had formed the nuptial tie, and the Roman exemption from certain public taxes, both proclaim this. But we cannot help regarding the present statute as encumbering the matrimonial connexion with difficulties that will have a very injurious tendency. We have already alluded to the attendance and affidavit of the female, now made a requisite part of the form. We cannot help thinking that there is a little indelicacy in this requirement, and we own we do not perceive its utility. As to the first point, we know indeed that marriage is honourable in all, and we shall be asked what has the lady to be ashamed of? All this is true; but there are certain feelings of retiring modesty

which we would not wound without occasion, and we do not see the occasion here. The lady is to swear that she is of age, and her intended husband also, to her belief. The object of the Act is to guard against fraud from minors. Now, will this prevent it? Very rare is the case of a man of full age entrapped by a minor, and almost always the female, in such cases, is the injured party; and as to her belief of the husband's age, how can she know it but from what he has told her? and if he has sworn it, why should that not be deemed satisfactory? So with regard to the production of the registers: we are sure that great difficulty and inconvenience will attend this regulation in most cases, and in some an absolute impracticability. Setting aside the cases where, owing to the power of granting licenses by the inferior jurisdictions being taken away, parties will often have to travel great distances to obtain them, and where, through ignorance of the provisions of the new law, all this journey may have been of no avail, yet what a load of evidence is required in order to obtain the license! The copy of the register of baptism, perhaps from a great distance; the affidavit of the friend who extracted and collated it, to prove it a true copy; and either of that friend, or, if he cannot do it, of some other friend, identifying the party or the individual to whom the entry relates. And if the register cannot be found, a still more circuitous mode must be resorted to: *satisfactory* proof of this fact is required to be made by affidavit, and the evidence of majority must be sought by affidavit from relations or friends. And cases will happen where parties are of unquestionable full age, but they may have been baptized only within the last 21 years. What is to be done on the production of their certificates? A ludicrous contrast will be sometimes created between the evidence as to age arising from the certificate and the countenance

of the party. The minister, looking at the one, will see abundant proof of majority, but from the other the party will appear a minor. It will be something like the amusing dilemma in which Frederick of Prussia was placed, when he came to address (as he always did to a new soldier) his three customary questions to a young foreigner in his body guards, and who, not knowing the language, had been instructed by his comrades what answers to return. The questions were, How old are you? How long have you been in the service? and How do you like your pay and clothing? The fellow had his replies ready enough, but unfortunately the monarch misplaced his questions, and first inquired how long the novice had been in the army? "Twenty-five years" was the reply. The king looked amazed, as the young man did not appear much more than 25 years old; but proceeded to demand how old he was? The reply was, "*two years!*" Upon which the king, with a mixture of anger and surprise, exclaimed, "Either you or I must be a fool." The fellow, mistaking this for the third question, replied, "Both," to the amusement of all the spectators, who then explained to the king the circumstance that had caused all this disparity.

But we have not yet done with the difficulties. In some cases not fewer than three, and sometimes four affidavits, and four certificates of consent, will be necessary, and the attendance, in one stage or another of the proceeding, of not less than *nine* different persons. This is in case both parties are minors, and the parents are all living: if only one is a minor, the same number of affidavits, and two certificates of consent, and the attendance of seven different persons, will be necessary: and even in cases where both parties are of age, and have not been previously married, three affidavits, and the attendance of four persons, are required. Surely this

is too much. Well-principled persons, whom no difficulties deter from pursuing their ends in the way limited by law, will yield, but will be oppressed; but we fear that instances will be found in which persons will dispense with the troublesome forms of the law altogether, and risk the consequences attaching to an illegal and immoral connexion: we say illegal as well as *immoral*, because connexions of this character are equally obnoxious to morals and to law, since the latter, not less than the former, has ever contemplated, as an object of the most necessary policy, the restraining of vice and immorality. In our remarks on the effect of the old law, we had to observe the increase of marriages in the Fleet which that Act occasioned, in the interval between the time of its becoming a law and passing into operation. A similar impetus appears to have been given on the present occasion; for, from the public statements, it seems that at Manchester, in one church, there was such an increase in the publication of banns, during the interval within which the survival of the old forms was permitted, that seventy-eight couples were named for the first time of asking, one hundred and twenty-five for the second, and fifty-eight for the third; and at the parish church of Lambeth, for some time before the 1st of September, the average number of marriages celebrated was *twenty a day!* We do not mean to say that in some of those cases ignorance or misapprehension may not have induced the haste, but we are sure that much was attributable to the dread of the new forms.

We fear, also, the business of our ecclesiastical courts will not be much diminished; and although many of the suits for nullity will now be at an end, they may be only given in exchange for an increase of suits of a different description, not a whit less mischievous in their effects on society. At the same time, we also entertain doubts whether the seve-

rity of the punishments of the new Act will not, in many cases, operate to prevent prosecution and secure impunity. Suppose the case which we put a few pages back, of a young woman of fortune inveigled into a marriage by a young profligate. His crime is felony, and his punishment transportation. But *who is to prosecute him?* Surely it cannot be expected that the relations of the wife will do so, when they can no longer obtain for her any desirable result. In this, therefore, the inutility of the measure is again apparent.

With these feelings, we cannot but regret that greater attention was not paid in Parliament to the ripened judgments of those learned and experienced men who opposed the measure, and many of whose difficulties, we doubt not, arose from their discovery of evils likely to occur in its working, as great, or even greater, than those already existing. The strong and decided protests entered against parts of the Act, by the Lord Chancellor, and Lords Stowell, Shaftesbury, Colchester, and others, ought surely to have had more weight. Usually the opinions of such men are first consulted, and with the greatest deference and respect. They anticipate evils of no ordinary magnitude from its operation, on the rights of property. The objections are of too legal a nature for us to dwell on largely; but we feel that the Bill has evidently been hurried with great precipitancy through all its stages,* so that no time has been given to ponder the tendency

* It was a curious fact, that a Bill, which was sent up to the House of Lords as the result of great deliberation, when returned to the Lower House with only the preamble and concluding clauses in *statu quo*, its head and tail hardly preserving for it sufficient features of resemblance to ensure its recognition, should yet pass without any effectual objection; and yet this was the good fortune of the new Marriage Act.

of its provisions, and doubtless another session cannot pass without the introduction of many corrective and explanatory clauses. Surely something better might be produced to protect the rights of parents and guardians, as well as the comfort of children, without the discouragement, by unnecessary difficulties, of the connexion of marriage.

Another matter of regret with us is this, that as so large an alteration has been made in our marriage laws, and crimes denounced and penalties threatened, no attempt has been made to uphold the dignity, and secure the purity, of the matrimonial contract, by the enactment of suitable punishments against the crime of adultery. Much has lately been written on that subject into which we forbear to enter: we, however, think it clear, that in the Scriptures (the foundation on which all our legal enactments are presumed to rest) adultery is viewed as a crime of so deep a die as to *work a dissolution of the contract against which it is committed*, and that it should be so regarded in every Christian country. At the same time, some powerful security should be required against the evils which might be apprehended from numerous or easily obtained divorces; and *that security should be provided in the severity of the personal punishment of the criminal*. A return to the barbarities of old times we do not desire: but we are of opinion, that the feeble voice of ecclesiastical censure ("adulteri, maxima pro parte, pœnitentia canonica purgatur." Cowel, Inst. Jur. Angl. l. iv. tit. ult. p. 346) ought not in the present age to be regarded as an adequate, indeed it is often viewed as only a ludicrous, visitation. That voice no longer sounds like the thunder of destruction to soul and body, which, as it rolled over the victims of papal superstition, made them tremble in every joint. But some punishment, confinement, or severe forfeiture or fine, should

be made to follow this offence. Long and loudly has it been called for. Whether we look to ancient or modern writers, they seem to utter but one remonstrance against the mitigated severity of the English statutes in this matter. The present learned Dean of Westminster, the late Archdeacon Jefferson, and many other divines of eminence, piety, and talent, have urged the strengthening of our laws on this subject. The Roman laws, the laws of Greece, the ancient code of France, and various other nations, visited this crime with *great severity*; and severity would not be an innovation in *our own* laws: for the earlier statutes kept pace with the other enactments we have alluded to, in denouncing with the most rigorous strictness this pernicious and disgraceful offence.

We are unwilling to press our observations further; but we should hail the efforts of an upright and decisive mind, that could encounter, what we fear might be apprehended to assail him, the ridicule of the licentious, the hesitation of the timid, and the doubts of the worldly politician, in forcing upon the attention of our legislature a measure like this, although sanctioned, as it is, not only by the wisest of human legislators, but by the dictates of the only law that came from God.

There are various other points, relating to the subject of the matrimonial bond, on which much has been within these few years written, and with great learning, and to which the attention of Parliament might properly be called; but we abstain from noticing them, as we fear we have already trespassed too long on the attention of our readers; but, in concluding these remarks, we would observe, that we scarcely know any one thing that would be more useful and valuable from the framers of our laws, both to the clergy and to the people of the country generally, than a *collection and digest of the laws relative to marriage*. The worth of collectanea of

this sort is too evident to need an attempt at elucidation. The celebrated digest of the Roman Emperor conferred not greater honour on himself than benefit on his subjects. A portion of the same praise is due to our First Edward, whom Coke calls the English Justinian; and very great was the advantage felt by our clergy not long ago, by the exercise of a similar discretion in the compiling of the *Consolidation Act*. What we urge, then, is the application of this concentrating principle to our marriage laws. At present they lie loosely scattered, some among the black-letter pages of the statute-book, and some among the still darker abodes of the canons and constitutions of our church. Now, as

the new Act must doubtless undergo the discussion of the next session of Parliament, and a revision of its principles be made, we sincerely wish that the opportunity may be embraced for the collection of these miscellaneous enactments into one focus. We are aware that it demands labour and circumspection, but surely it merits the exercise of both. It would be a focus of light of the very highest utility. Both clergy and laity would rejoice in its rays, because the doubts and misapprehensions that now dim their path in a most important part of life would be dispersed; and their duties and privileges, thus rendered clear and attainable, would be at once understood and enjoyed.

Literary and Philosophical Intelligence, &c. &c.

GREAT-BRITAIN.

PREPARING for publication:—A Treatise on Daniel's Seventy Weeks, in vindication of Bishop Lloyd's hypothesis;—The Hundred of Mere; by Sir R. C. Hoare;—The Lime Rocks of Plymouth; by the Rev. R. Hennah;—The early History of Rome; by C. Mills;—Travels in the Holy Land and Egypt; by W. R. Wilson.

In the press:—A third edition of the Rev. Thomas H. Horne's "Introduction to the Critical Study and Knowledge of the Holy Scriptures;" with which will be published, with one new engraving, a small Supplement to the Second Edition, arranged conveniently for insertion in the respective volumes.

The foundation stone of the intended college at Lampeter, in Cardiganshire, for the education of the Welsh Clergy in the diocese of St. David's, was laid on the 12th August, the birth-day of his Majesty, by the Lord Bishop of St. David's, in the presence of a large assemblage of the clergy and gentry of the adjacent counties, and a great concourse of the peasantry. After divine service at the parish church of Lam-

peter, the Bishop proceeded to the site of the intended college, where J. S. Harford, Esq. and A. Harford Battersby, Esq., advanced towards his Lordship; and the former, placing in his hands the conveyance of the ground, addressed him in a speech, expressive of the high honour which he felt was conferred on himself and his brothers, in having it in their power to promote in any degree the noble and important scheme, long since projected by the Bishop, and now about to be realized, for the diffusion of sound learning and religious improvement throughout his extensive diocese. The Bishop made a reply, expressive of his grateful feelings to the above gentlemen, lords of the manor of Lampeter, for the important aid they had afforded him, and of the lively interest which he felt in the welfare of the projected institution. The usual ceremonials then proceeded.

A pamphlet lately published, entitled "Cursory Suggestions on Naval Subjects," strongly recommends the general establishment of savings' banks among our seamen. The idea deserves serious attention by persons connected either with the merchants' or the king's

service. The sums often spent by sailors in port, in a few days of improvidence and vice, might, if husbanded in savings' banks, prove a source of great comfort to them in their declining years, or to their families after them.

A market house of large dimensions, and on an admirable plan, has been recently erected at Liverpool. It covers no less than 8235 square feet, is roofed throughout, and is well lighted and ventilated. The accommodation to the public, great as it is, of such a building, is of less importance than the saving of health and life to the market-people, who often suffer severely from their exposure to the weather in some of our towns, where, in certain instances, the inhabitants resist the erection of suitable market-houses, on the ground that the inconvenience of enduring the inclemencies of the seasons, and the want of facilities for storing their over-stock till the next market day, induce the country people to sell at lower prices, and with more despatch, than would be the case if they were comfortably accommodated.

FRANCE.

The *Coquille* corvette, commanded by M. Duperrey, lately set sail on a voyage to promote geography and physical science. The *Coquille* will visit the great Archipelago of Asia, the points of the western coast of New Holland, and the islands of the Pacific Ocean; and return to France by Cape Horn. M. Duperrey is to make observations on the configuration of the globe, the inclination of the needle, &c.

From some experiments of M. Macair on glow-worms, the following results arise. Solar light appears to have a constant influence on these animals. Some of them were put into boxes, from which the light was shut out, and when the boxes were opened in the evening, they rarely gave any light; but the same worms, in the same boxes, with glass tops, and placed in the sunshine, shone brilliantly in the ensuing evening. Warmth caused them to become luminous. When the animals were thrown into water at 122 deg. they died instantly, but the light continued brilliant; at 30 deg. higher, the light was extinguished, and could not be restored. Cold destroys their luminousness. The luminous matter is a yellowish-white organized substance, chiefly albumen, on the last three rings. This substance becomes opaque by drying, and then

ceases to shine. Preserved in water, it shines with a yellowish-green light for two or three hours. Heat and galvanism reproduce the light as long as the substance is not opaque. It shines more in oxygen than in other gases. All bodies capable of coagulating albumen destroy its phosphorescence. The light does not appear except in gases containing oxygen. The galvanic pile excites it—common electricity does not.

GERMANY.

Within the last two years, the number of persons who have been saved from drowning, by the *Hamburgh Humane Society*, has been 152. Of 44, who were to all appearance dead, the exertions of the surgeons restored 34. The *Hamburgh Society* for the encouragement of the Arts and useful Trades, have granted sums of money to 232 individuals who had contributed to save the above persons; 15 others have received medals from the Society, as rewards for their exertions.

RUSSIA.

The emperor Alexander, from a desire that criminals, after suffering by exile in Siberia or otherwise, may appear again in society, in the event of their repentance and reformation, has abolished the punishment of marking with a brand, which it had hitherto been the practice to inflict, in connexion with the knout.

Lieutenants Wrangel and Anjou, appointed by the Russian Government, in 1820, to make discoveries in the North and North-East extremities of Asia, proceeded first to Neukolymsk, in the north east part of Siberia. Thence they set out, on sledges drawn by dogs, in quest of Cape Scheheladeh, which has been described as an isthmus which connects Asia with the American continent. They were enabled, it is stated, to ascertain that there is no connecting isthmus in that region. They then returned to Neukolymsk, whence they proceeded on another journey to the north, to discover the great continent supposed to be in that direction, but insurmountable obstacles prevented their advancing very far on their route.

INDIA.

Various books are in preparation, or in the press, for the use of the college at Serampore. Among others, is a summary, in the Bengalee language, of the general principles of jurisprudence laid down by Grotius, Puffendorf, Montesquieu, and other European writers;—a

work highly desirable. The college committee have made arrangements with Mr. F. Carey, the author of the *Bengalee Encyclopædia*, for taking up the subject. The committee have also sent suitable persons into various parts of the country, furnished with lists of such native works as they already possess, and with directions to purchase or transcribe any work they meet with, not contained in this list. By this means various works have been brought to

light in the popular languages, which will prove useful in the translations of the Scriptures.

A complete model has been made in ivory, on a scale of three inches to ten feet, of the celebrated *Tauj* at Agra, by the late Captain Fordyce and Captain G. Hutchinson. It has occupied nearly twelve year's labour, and is stated to give a very beautiful and accurate exhibition of that vast monument of past oriental magnificence.

List of New Publications.

THEOLOGY.

Essays on all the Scriptural Names and Titles of Christ; by the late Rev. William Goode, Rector of St. Ann's, Blackfriars, &c. 6 vols. 8vo. 3l. 3s.

Select Passages from the Bible, arranged under distinct heads, for the use of Families and Schools; by A. Adam. 12mo. 4s. 6d.

An Abridgment of the Prophecies, as connected with Profane History, both Ancient and Modern; in question and answer: selected by Mrs. Smith. 12mo. 7s. 6d.

The Epistles of Paul the Apostle translated, with an Exposition and Notes; by the Rev. Thomas Belsham. 4 vols. 8vo. 2l. 12s. 6d.

The Seaman's Prayer-Book. 18mo. 2s. 6d.

A respectful Letter to the Earl of Liverpool, occasioned by the Speech imputed [imputed!] to his Lordship at the Isle of Thanet Bible Society Meeting; by the Rev. H. H. Norris. 8vo. 7s.

Six Village Sermons; by the Rev. E. Berens. 12mo. 1s. 6d.

Lectures on some important Doctrines of the Gospel; by T. Raffles, LL.D. 12mo. 7s. 6d.

A Sermon on Covetousness; by the Rev. R. H. Shepherd. 1s.

The Claims of the Society for Promoting Christian Knowledge; a Sermon; by the Rev. J. Algar.

Sermons; by Jonathan Walton, B. D. 2 vols. 8vo.

Scripture Chronology, on a new plan. 2s. 6d.

Sexaginta Conciones, nunquam antehac promulgatæ; Lithographice Impressæ fideliter MSS. imitantes. A Presbytero Ecclesiæ Anglicanæ.*

The Book of Common Prayer. With Notes, &c.; by the Right Rev. R. Mant. D.D. 36s. medium, 3l. 12s. royal paper.

* We beg leave to refer the Rev. Presbyter to our announcement of a similar work of Mr. Warner's. *Christ. Observ.* 1821, p. 651.

The Seasons contemplated in the Spirit of the Gospel: six Sermons; by the Rev. Thomas Gillespie. 12mo. 4s. 6d.

An Explanation of the Five Books of Moses. 3s.

A Charge delivered to the Clergy of the Diocese of Gloucester in 1822; by the Lord Bishop of Gloucester. 4to.

The Genuine and Apocryphal Gospels compared; in a Visitation Charge; by Dr. Butler of Shrewsbury, Archdeacon of Derby.

MISCELLANEOUS.

Memoirs of Mary, Queen of Scots; by Miss Benger. 2 vols. 8vo.

Cottage Biography, being a Collection of the Lives of the Irish Peasantry; by Mary Leadbeater. 12mo. 3s. 6d.

Remains of the late A. L. Ross, A. M. With a Memoir. 12mo.

An easy Method of acquiring the Reading of Hebrew with the Vowel-Points. On a sheet. 1s. 6d.

Political Fragments of Ancient Pythagoreans. Translated from the Greek; by T. Taylor. 8vo. 6s.

Geological Essays; by Joseph Sutcliffe. 8vo. 4s.

An Introduction to Fossil Organic Remains; by James Parkinson. 8vo. 12s.

The History of Preston, and the Guild Merchant. 4to. 15s.

The first five Books of Livy, with English Notes; by J. Hunter, LL.D. 12mo. 5s.

An Historical Review of the Spanish Revolution; by E. Blaquiére. 8vo. 18s.

The different Modes of Cultivating the Pine-Apple. 8vo. 9s.

A System of Mechanics; by the Rev. J. R. Robinson. 8vo. 13s.

A Letter to Sir Humphrey Davy, Bt. on the Application of Machinery to calculating Mathematical Tables; by C. Babbage, M. A. 4to. 1s. 6d.

Essays on Subjects of important Inquiry in Metaphysics, Morals, and Religion; by the late Isaac Hawkins Browne. 8vo. 15s.

Irad and Adah, a Tale of the Flood; by Thomas Dale. 8vo. 3s. 6d.

An Analytical Dictionary of the English Language; by David Booth. Part I. 7s. 6d.

Specimens of the German Lyric Poets, consisting of Translations in Verse from Burger, Goethe, Jacobi, Klopstocke, &c. 8vo. 10s. 6d.

A Letter to the Earl of Liverpool, on the subject of the Greeks; by Thomas Lord Erskine. 8vo. 2s. 6d.

An Appeal to the British Public, in the Cause of the Persecuted Greeks; by the Rev. Robert Chatfield, LL.D. 1s.

Religious Intelligence.

AFRICAN INSTITUTION.

THE annual publication of the Society has this year augmented to a closely printed volume of 412 pages; presenting a large collection of important and interesting—much of it, unhappily, most afflicting—intelligence. The volume is divided into three parts. The first contains an account of the Proceedings at the Sixteenth Annual Meeting, with the speeches of the Duke of Gloucester; the Marquis of Lansdowne; Earl Nugent; Lord Calthorpe; Sir T. Acland, Bart.; the Right Hon. J. C. Villiers; Messrs. Wilberforce, Brougham, Warre, W. Smith, Rice, Wilbraham, Randolph, Bowring, and Stephen; the Rev. W. Dealtry; and the Rev. J. W. Cunningham. The second contains the Report of the Directors; and the third an Appendix of documents. Of the facts in the Report, we hope before long to give as copious an analysis as our limits allow. For the details in the Appendix, we must refer our readers to the publication itself. They relate to the present state and laws of the slave trade in different parts of the world, and under various flags; particularly the wide extension of the traffic by the French, both on the *eastern* and the *western* coast of Africa;—to the correspondence of the British and other governments on the subject;—to the discussions in the French Chambers, in the course of which is given at length a speech of the Duke de Broglie, which, for knowledge of the subject, eloquence, and general ability, well deserves general perusal;—to the proceedings of the American Colonization Society; the cheering progress of the settlement of Sierra Leone; the abolition of the Slave Trade at the Mauritius; the extinction of the Slave Trade and Slavery by the Independent States of South America; and other points connected with the general sub-

ject. The first part also of the volume we are obliged to pass over more cursorily than we could wish. We extract the following passage from the speech of Mr. Cunningham, partly for the consideration of our readers, and partly as an apology for ourselves, if any apology be needed, for urging this great question so often and earnestly in the pages of a religious miscellany. Mr. Cunningham remarked, that

“He was much struck with the statement that their funds had this year declined, and that they were now in a state of depression. To what was such a circumstance to be traced, more particularly when compared with the success which attended the progress of other institutions? Perhaps the cause of this difference was to be traced to the fact, that a sufficient attempt had not been made to place this institution on that broad basis of religious and moral feeling which had produced such an effect in other cases; and which, far above all considerations of policy and expediency, impressed such a powerful interest on those who were under its influence. This great question ought to rest on the widest basis; it was entitled to do so: nor ought they to stop until it was placed on its right foundation; a foundation firm as the will of God, and ample as the wants of human nature. It was true that people were so apt to be absorbed in one favourite object, that they turned with difficulty to others. Else the excellent individuals who were engaged in Missionary Societies could not fail to see the great importance, to their own success, of attaining the objects of the African Institution. They who are engaged in the dissemination of the Gospel, especially in Africa, ought to be aware how grievously the Slave Trade was opposed to their efforts to improve the existing opportunities, of which they might otherwise

so largely avail themselves, of communicating the glad tidings of salvation to that suffering continent. It was important, therefore, to the Christian Missionaries engaged in the great work of evangelizing Africa, to see how this detestable traffic raised a barrier against the ingress of Christianity, far more impassable than the wall of China, and made them appear to be unsuccessful Missionaries, because they were not sufficiently active and zealous Abolitionists."

To the same effect the Report observes :

"To Sierra Leone and its immediate dependencies, the blessings of civilization and religion are now, as it respects Western Africa, almost exclusively confined ; and till Europe shall have honestly and effectually executed the sentence so long ago passed on the Slave Trade, there is no hope that they can flourish to any material extent beyond those limits. Whence then does it arise, that the supporters of Christian Missions in Africa are so insensible to this view of the subject? The difficulties which they meet with, in diffusing Christian truth on that continent, are not to be traced to the ignorance of the people, to their prejudices, their superstitions, their incapacity for instruction : the *radical* evil is the Slave Trade ; and the only practicable mode of putting an end to this accursed traffic, and opening a fair field for the spirit of Christian enterprise, is by heartily and liberally supporting the efforts of the African Institution to effect its entire and universal abolition. They will thus be pursuing the most direct mode to the attainment of their great object, the propagation of Christianity. So long as this traffic continues, it raises against them a barrier which they cannot pass. Should those who profess to be earnest for the moral and religious improvement of the African race, continue so backward in lending their aid to that Society which alone labours for the annihilation of this guilty trade ; and should the dealer in human blood, through their supineness, be still left to ravage that desolated continent, will not their responsibility be great ? And, after generations shall have passed away, what progress can they reasonably hope will have been made in the noble work which they are so zealous to promote, that of diffusing the blessings of Christianity among the degraded population of Africa ? The

claim of this institution upon their assistance seems, therefore, irresistible.

"It is a deep conviction that greatly augmented funds will be indispensable to the new and multiplied exertions which are called for, that has made the African Institution adopt, for the first time, the plan pursued by so many other public societies for beneficent purposes, of having a more public meeting than heretofore, instead of confining its invitations to its own subscribers.

"The Directors are persuaded, that, had it been understood that the Institution needed pecuniary support, it would not have been withheld ; but it was probably supposed that the Slave Trade was already abolished, and therefore that to subscribe to this Institution would be to misapply funds which were more urgently needed for other purposes of charity. But when it shall be generally known that benevolence, gratitude, and the duty of making reparation for injuries which we ourselves have committed, concur in forcing on the people of this country the obligation of contributing to its funds, the Directors cannot but indulge a sanguine hope that those contributions will not be withheld."

From the speech of a zealous, enlightened, and long-trying friend of Africa, Mr. Stephen, we copy some interesting and consoling intelligence, followed by a few observations, not indeed consoling, but eminently seasonable and important.

"The motion which he had to submit, went to express their gratification that South America had, at the moment of establishing her own independence, decreed the speedy extinction, not only of the Slave Trade, but of Slavery itself, in that interesting quarter of the globe. While he most cordially assented to all that had been so well and so truly said of the conduct of the United States of America respecting this traffic ; while he heartily concurred in the tribute to the Cortes of Spain for their late act ; he must still say, that there was something in the conduct of the new Columbian Governments which deserved a higher meed of commendation, under the peculiar circumstances of their case. Those Governments were possessed of an immense and fertile territory, their means of improving which were narrowed only by the scantiness of their population, which they might naturally have thought of enlarging by this de-

testable traffic. But they had renounced it with abhorrence. Nor was this all. The people of property in those states were possessed of large numbers of slaves; and it was natural for every selfish passion to oppose the surrender of such a species of property. Yet the first measure of the Columbian Governments was in decided opposition to all those narrow notions of self-interest, which had, in other instances, so strongly interfered with all attempts to ameliorate the condition of the slaves, and to prepare the way for their emancipation. They had not only decreed the entire abolition of the Slave Trade, but they had adopted the regulations which were best calculated, in no long time, to give freedom to the unfortunate beings now in slavery, and to their descendants. He held in his hand a letter from a gentleman in that quarter, which contained the Law of Emancipation passed by the first General Council of Columbia. From this it appeared, that an amendment, fixing the emancipation of the rising race at twenty-five instead of eighteen years of age [the original proposition,] was negatived by a majority of ten votes to one. All born, therefore, after the Revolution, are to be free at eighteen years of age. And such was the horror of that assembly, composed of enlightened men from every district, at the continuance of Slavery, under any modification, that they had established a fund, by a general tax upon property, for the progressive redemption of all who were still in bondage. All Slaves who had assisted in a military capacity, in achieving the independence of the Republic, were at once declared free. He need not say how peculiarly so noble a sacrifice entitled them to the gratitude of this Institution. It was most gratifying, further, to learn, that all the labouring classes in the state of Columbia, the newly enfranchised as well as those who had not yet been redeemed, were all peaceably at work, and that the utmost harmony prevailed among them. It was also a principle adopted by the Columbian Government, that colour should not in any degree disqualify persons from aspiring to public offices, whether civil or military: all, of whatever colour, were entitled to the same privileges as White men: the career to glory and honour was alike open to all. He must repeat, that he knew of no country which was so justly entitled

to their cordial approbation as the infant Republics of South America, for the conduct which they had adopted respecting this detestable traffic, and still more in respect to the state of Slavery itself. General Bolivar, who had previously been at the head of the Venezuelan Government, began the good work there, and did so by the enfranchisement of his own slaves, 700 or 800 in number, for he was a most opulent landed proprietor. From the beginning he denounced the Slave Trade as an intolerable evil; but he had the manliness not to stop there, but to carry his principles into their full practical effect. To perpetuate slavery beyond the dire necessity of the case, would in his view have been inconsistent with the abolition of the trade. To omit any fair opportunity of relieving those who had been the victims of that gross injustice, from the chains it had imposed upon them, would, he conceived, be as indefensible an act as that of the robber who should avow his crime, admit its enormity, and yet withhold restitution of his booty. Fifteen years had now elapsed since Great Britain had decreed the abolition of the Slave Trade, and what had been done in her colonies which tended to abridge the period or lighten the chains of Slavery? Was it not true at this moment, that the child born yesterday in these colonies was still a Slave, and that for ever? No effective measures whatever had yet been adopted there towards the extinction of slavery. Human beings were still liable to be sold at the will of a master: they were still liable to be torn from their families, and from all their local ties and connexions, and sent into a distant colony. They were destitute of any available legal protection, being without the means of appealing to courts of justice for redress. That brutal system of acting, not on the moral feelings, but on the bodily sensation of pain—the driving, the flogging system—was still continued in our islands. The conduct of the new states of South America was indeed raised in moral value by the contrast it presented to that of the British colonies. He again hoped that public opinion would do much in aiding their object for the general abolition; and he earnestly trusted, that they would see the necessity of putting the funds of the Institution upon such a footing as would enable them to diffuse, as widely as might

be necessary, that information which was calculated to arouse public opinion in their behalf throughout the world."

DR. O'SHAUGHNESSY'S LETTER TO HIS CLERGY.

We are requested, by the Committee for the distressed Irish, to insert the following letter from the titular Bishop of Killaloe to his clergy. It is certainly conceived in a very grateful and conciliating tone towards his protestant fellow subjects. We could, however, have spared a theatrical exclamation; nor are we quite reconciled to mentioning "balls and theatres" with "charity sermons," in a solemn form to be read in places of Divine worship. Independently of other objections, balls and theatrical performances are most unproductive vehicles of benevolence; as in general, after paying the expenses, very little is left for the charity.

"Dear Sir,

"You will mention from your altar, on Sunday next, that Dr. O'Shaughnessy, R. C. Bishop of Killaloe, requests that the pastors of the distressed districts of said diocese should, at their respective chapels, excite their flocks to unite with the clergy in expressing their heartfelt and everlasting gratitude, for the unexampled, necessary, and timely relief administered to them, through the paternal influence of our beloved Sovereign, by the kind generosity of the government, and by the numerous donations of our benefactors, in Ireland; but above all, by our truly

charitable Protestant benefactors and fellow subjects in England.

"This work of mercy originated with our generous and compassionate friends in England, by whose zeal and piety immense sums poured in on the London Tavern committee of management, by whose anxiety for our relief all possible means were adopted—charity sermons, benefits of balls and theatres—and having tried all other measures, collections from door to door were resorted to, with considerable success.

"In the history of the world is there to be found an instance of such benevolent feelings as are now manifested? and by whom? by the illustrious English Protestants, in favour of the destitute Roman Catholics of Ireland.

"As the apprehension of famine must soon be done away, by the prospect of an abundant harvest, this same great nation is turning its thoughts towards a supply of night and day covering, for men, women, and children, of our half-naked peasantry.

"Heavenly God! can those wretched poor people ever forget such kindness! —[Here let the congregation kneel down.]—Therefore, with our heart and voice, let us offer our fervent prayer to the throne of the Eternal God, humbly and earnestly beseeching him, that every spiritual and temporal happiness and prosperity may be the reward of this unheard-of munificence, in favour of the destitute population of this unfortunate country.

"August 3, 1822."

View of Public Affairs.

FOREIGN.

FRANCE.—The French papers have been chiefly filled with the continuation of the trials, in the assize court of Poitiers, of General Berton and his accomplices, for the late conspiracy at Saumur; and with the details of another course of state trials, in Paris, of 25 prisoners, for the conspiracy at Rochelle. In the former, Berton and five of his associates have been condemned to death, and eight others have been sentenced to heavy fines and imprisonment; in the latter, four have been capitally convicted, seven are to be imprisoned, one is liberated, but placed under thirteen years of police superintendence, and thirteen are

acquitted. These trials strongly display the agitated state of public feeling in France; a state of things not likely to be remedied by the striking partialities which seem to influence the judicial tribunals in the conduct of trials affecting points of state policy. The guilt of the condemned parties in these trials appears to be established, and there is little room to doubt that the ringleaders wished to effect a revolution. But some of the proceedings on their trials, even if we allow the final decision to be substantially just, were no better than a mockery of justice. To say nothing of the improper and partial interference of the judges with the prisoners and witnesses, and

of the greater latitude of remark allowed to the prosecuting advocates above those employed for the defence, let us look at the case of Berton himself. He was denied the privilege of choosing his own counsel; and counsel of whom he is stated to have known nothing, and with whom he refused to communicate, was arbitrarily thrust upon him by the court, and that for the mere purpose of obviating a technical inconvenience, it being provided by the law that conviction shall not take place until the counsel of the accused shall have been heard in his defence. On this occasion the assigned counsel refused to act; and under these circumstances, Berton was exposed for several days to a rigid cross-examination from the bar and the bench, and, quite in opposition to all British notions of jurisprudence, was subjected to interrogatories directly tending to self-crimination. To add to the glaring injustice of this proceeding, the name of M. Drault (the advocate who had refused to obtrude his services as counsel upon a man who denied him his confidence and protested against his appointment) was, by a summary order of the court, struck off the list of advocates. Such a precedent is certainly calculated to increase the servile spirit of the French bar, and to deter advocates from that unshrinking discharge of their duties, the advantage of which is so powerfully felt in this country.

But while we so severely animadvert on the judicial institutions of our neighbours, let us not forget the cruel and barbarous policy of our own laws, which denies to criminals on their trial, even for capital crimes, (treason excepted,) the benefit of professional advocates, on the unsatisfactory pretext that the judge is counsel for the prisoner. We trust to see this disgusting remnant of ancient oppression speedily wiped away from our criminal code.

The trials of the conspirators has led to other judicial proceedings. Four journalists have been found guilty of "incorrectness and bad faith" in reporting these trials, and have been punished by imprisonment, and also by a prohibition, for a certain period, to publish any of the proceedings of courts of justice. Assuming the delinquency charged against these journalists to have been proved, we should not be disposed to object to the punishment as too severe, provided only that the court was as rigid in punishing the *mala fides* of those jour-

nalists who wilfully reported to the injury of the accused, as of those who dishonestly favoured their cause. It may be difficult in this free country, and under a long-settled constitution, to judge precisely how great a degree of temporary restriction is necessary in France, under present circumstances, to preserve the public peace from the attacks of individuals who may make liberty and the charter a pretext for disorder and revolution; but it seems to us very probable that the French government is at present stepping beyond this necessity, and making an undue and impolitic use of its power. As it can have no rational ground to expect, that, in the existing circumstances of France, it can possibly stifle public sentiment, the attempt to do so must eventually hasten on the very catastrophe, the apprehension of which has led to the attempt. But even if an oppressive partisanship were less unwise and less immoral than we are disposed to think it, as respects the members of legislative and executive bodies, still it ought, for the sake eventually of *all* parties, to be excluded from courts of justice. We are inclined, however, to attribute the anomalous proceedings in the French criminal courts, partly at least, to inexperience; and we trust it will not be long before judges, juries, prosecutors, witnesses, and advocates, will better understand and discharge their respective duties. The intercourse of France with Great-Britain since the termination of the war, has already opened the way to the adoption of several useful projects and benevolent institutions from this country; and we are happy to learn, that one point, not the least important point, towards which patriotic and enlightened persons among our neighbours are directing their attention, is the amelioration of their judicial system. We, however, have much also which requires amendment in our own system of criminal jurisprudence: and, most unquestionably, in what regards our administration of civil law, we might borrow very advantageously from the beautifully arranged and simplified code of our neighbours.

SPAIN.—A civil war continues to rage in the northern parts of Spain, and a war of words and proclamations in the capital and throughout the country. The constitutionalists, elated with their late triumph, have adopted severe measures against their opponents,

and some disturbed districts have been placed under martial law. They also appear to have committed an act of great injustice in the case of Elio, the Royalist governor of Valencia. Under the late ministry he had been tried for cruelties towards the Revolutionists, and condemned to death, but had been pardoned. Since the accession of the present ministry to power, he has been tried again, convicted, and publicly strangled. The King is not permitted to quit the capital. The irritation of the anti-constitutionalists is of course increased by these proceedings. Their troops entitle themselves the Army of the Faith, and their cause has a powerful hold on many of the people, from the force of their religious habits and prejudices, which the liberal party have probably too little respected, or may even have outraged with no sparing hand. Scepticism and infidelity, on the one side, and Popish error, superstition, and bigotry, on the other, prevail, we fear, among the majority of the active members of the contending sides; though doubtless many individuals of the revolutionary party are zealous Catholics, and some of their opponents sceptics. The Cortes are soon to meet. We very earnestly wish that their session may heal rather than inflame the civil wounds of their country. This would perhaps be more effectually done by the institution of a political body resembling the House of Lords in England, or the Senate of the United States, than by any other expedient that could be adopted. At present, the collision between the executive and the democratic parts of the constitution is too immediate and perpetual to afford a fair hope of internal peace.

TURKEY.—The reports from the theatre of war between the Greeks and Turks are so inexplicably contradictory, that we forbear to attempt to unravel them. The reports of the late alleged Greek successes are not only disputed, but the Turks are affirmed to have driven their opponents from the Morea itself. It should be added, however, that most of the rumours unfavourable to the Greek cause arrive through channels not accustomed to give favourable views of their proceedings. The relief from the fear of Russian aggression on the north, will of course have given to the Turks a formidable opportunity of concentrating their forces against the

undisciplined Greek insurgents. At Constantinople, the ferocity of the populace towards the Christians has been much better restrained than formerly; owing, we suppose, to the recent stipulations with Russia. On the death of the patriarch, a few weeks since, the Greeks were permitted to assemble peaceably to elect a new one, and their choice was approved.

THE CONGRESS.—The Congress has begun to assemble at Vienna, whence, it is said, it will shortly be transferred to Verona. The Emperor of Russia has already reached the Austrian capital. The Duke of Wellington, though in indifferent health, has left England to appear there as the representative of his Britannic Majesty. To this august meeting Europe is now looking with almost breathless expectation. Her peace is in its hands. If the great powers who will sway its decisions should meet with a real desire to respect the rights of independent nations, and to favour the diffusion of rational liberty and the march of general improvement in Europe, we and our children, and our children's children, may have cause to bless their deliberations. If, on the contrary, they should meet under the influence of a morbid fear of change, and of all improvement as leading to change; if under this influence they should attempt to crush the rising liberties of Spain and Portugal, as has already been done in the case of Naples; the probability is, that the revolutionary spirit may extend itself far beyond its present limits, and again involve the continent in confusion and conflict. But what will be done with Greece? Are the Greeks to be sacrificed, lest the members of the Holy Alliance should violate their anti-revolutionary consistency? Are they to be left to the tender mercies of their Moslem masters, lest their example should prove contagious? Are we to behold them exterminated from the land of their fathers, and either cruelly butchered, or sold into slavery, with every circumstance of aggravation that the passions of fear and rage and revenge and lust, combined, can inflict on a brave but subjugated people, lest the oppressed should hereafter ever dare to raise their voice or their arm against the oppressor? If such be the policy of this congress of sovereigns, England, we trust, will be no party to it. Her voice, we trust, will be raised, and not in vain, against

it. She, at least, we trust, will wash her hands of the guilt and the infamy of such conduct. She, at least, will assume, unequivocally, the attitude of the friend of the unhappy Greeks, and, if she can do no more, will do her best to afford them a secure asylum beyond the reach of Turkish ferocity. But is it possible to believe that she may not do more? Is it possible to believe that her generous intervention would be fruitless? She would, and must, be listened to, should she pronounce with sufficient decision, on this occasion, in favour of suffering humanity and outraged religion; and she would place herself higher in the estimation of Europe by that single act, than by all the glories which have accumulated around her during the last twenty years, even if we include her efforts in favour of Africa.

But this reminds us of another anxious topic, which is to occupy, as we understand, the attention of the Congress.—We mean, the African Slave Trade. In whatever degree a regard to consistency may influence the sovereigns assembled in congress to withhold their countenance from the cause of the Greeks, this consideration ought to influence them in a tenfold degree in absolutely insisting on the total and final extinction of the African Slave Trade. Their faith and honour are pledged for the early accomplishment of this object. The memorable Declaration of Vienna still rings in our ears, in which they expressed their determination "to put an end to a scourge which has so long desolated Africa, degraded Europe, and afflicted humanity"—to employ "all the means in their power for the most prompt and effectual execution of this object," and "to act, in the employment of these means, with all the zeal

and all the perseverance which so great and good a cause merits."

What will be their astonishment to find that the evil, thus denounced and condemned, has been flourishing and extending itself ever since; and that, at this very moment, tolerated, if not encouraged, by some of the very powers who were parties to this solemn sentence, it has attained an unprecedented extent of enormity! When the proof of this fact shall have been exhibited to them, it cannot be that they will not proceed forthwith to vindicate their contemned authority, and to carry into execution the sentence they have pronounced in the face of the world. Is, then, the Holy Alliance to be efficient only against the independence of nations; and are those of its decrees only to be impotent which favour humanity? And shall we see Sovereigns, who proclaim the Bible as their rule, taking a deeper interest in the bounds of some petty province, than in the happiness of a third of the habitable globe.

DOMESTIC.

The King returned from Scotland at the commencement of the month. His Majesty has since appointed Mr. Canning to the office of Foreign Secretary, void by the death of Lord Londonderry. Mr. Canning, of course, relinquishes the Governor-Generalship of India. His successor has not yet been appointed.

With feelings of humble gratitude to the bountiful Author of all mercies, we record that the harvest has been highly favourable and abundant; and that we may confidently anticipate a continuance of that plenty and cheapness of food which this nation at present experiences. May our national gratitude rise in proportion to our mercies!

Answers to Correspondents.

A YOUNG INQUIRER; DUBITANS; AMICUS; E. W. E. H.; CLERICUS; S. H.; SCRUTATOR; A LOVER OF CONSISTENCY; R. H. S.; J. B.; J. M.; and A.; have been received and are under consideration.

It would not be compatible with our plan to enter into the engagement C. R. proposes. We are much obliged to H. for his packets.

The paper on "Necessity and Predestination," would, we fear, lead to a long and not very profitable controversy. The Commentary respecting which C. C. C. inquires, was composed by some members of the Assembly of Divines at Westminster. He will find an account of its compilers in Calamy's Life of Baxter.

The public discussion SABBATARIUS suggests might probably defeat his object.

B. B. had better insert his poem in the channel he mentions.

Much literary and religious intelligence arrived too late. We have again to state to several complaining Authors, that we mean no disrespect to them, or their works, or their principles, in not reviewing their productions. Much as we desire to satisfy the reasonable wishes of authors, it is not in our power to review a tenth of the works that are published, without reducing our critiques to mere literary notices.